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Arthur St. Clair, Governor of the
Northwest Territory 1787-1802

History

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ARTHUR St. CLAIR, GOVERNOR OF THE NORTHWEST
TERRITORY 1787-1802

BY

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THESIS

Submitted in Partial Fulfillment of the Requirements for the

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I HEREBY RECOMMEND THAT THE THESIS PREPARED UNDER MY SUPERVISION BY

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C H A P T E R I.

ST. CLAIR'S HISTORY PRIOR TO 1787.

The early colonies of America clung timidly to the sea board, in fact it took them a century and a half to spread from the Atlantic to the Alleghanies, and three quarters of a century more to reach the Pacific, turning out the European powers and driving back the Indians as they proceeded. In the course of this advance an especially valuable section was opened up in the lands northwest of the Ohio, to which numerous rivers and the Great Lakes give ready access. Settlement began here in earnest during the years 1787 to 1802, an important period which saw the Indian title extinguished, the English forced to leave, large land sales made and the colonies firmly established. During these significant years in the history of the Northwest, Governor St. Clair held the first position in the territory, as the executive appointed by the federal government.

Arthur St. Clair when he became governor of the Northwest was already a man of fifty three, who had enjoyed experience in various lines. Of Scotch descent and noble lineage, he had been educated at the University of Edinburgh, where he took up the study of medicine. After the death of his parents, as this occupation was not especially congenial, he obtained a commission in the Sixtieth or Royal American regiment of foot.

Thus it was that in 1758 he came with Lord Amherst to America where he conducted himself so well before Louisburg that he

was commissioned lieutenant. It was then his fortune to aid General Wolf in the reduction of Quebec, where he played a conspicuous part. His bataillon was one of those chosen to scale the heights and in the struggle on the plains it is said that St. Clair carried the colors, rescued from a dying soldier.¹ During the following winter he remained in the garrison before Quebec, and, when the capitulation was finally signed September 8, 1760, which transferred the western posts from France to Great Britain, he obtained a furlough and went to Boston to marry Miss Phoebe Bayard, the daughter of a half sister of Governor Boudoin of Massachusetts.

By this marriage St. Clair received considerable property which added to his own enabled him to resign his commission April 1762. He settled in Pennsylvania at Ligonier Valley where he acquired an immense tract of land partly by purchase and partly through a grant of the king for his services in the French war. Here he erected his residence and the first grist mill of that section.

St. Clair entered almost at once into the civil life of the region. In April 1770 he was appointed surveyor for the district of Cumberlandⁱⁿ the western part of the state. In May he was made Justice of the court of Quarter Sessions and Common Pleas, and member of the governor's council for Cumberland County. The next year when Bedford county was erected, the governor conferred on St. Clair the offices of Justice of the Court, Recorder of Deeds, Clerk of the Orphan's Court and Prothonotary of the Court of Common Pleas for that county. Corresponding appointments were sent him in 1773 when Westmoreland County was erected from Bedford.

1. Smith W.H., St. Clair Papers, I., 4.

Westmoreland County during the period that St. Clair held office there was the scene of much disturbance, and St. Clair was busy with sending reports to Governor Penn. There was considerable feeling in western Pennsylvania over the lands about the head waters¹ of the Ohio which were contested by the Virginians. The contro-²versy was an old one but Pennsylvania had rather taken her possession for granted, the land having been surveyed by the proprietors of Pennsylvania and magistrates appointed by that state. Early in³ 1774 John Conolly with authority from Lord Dunmore took possession of Fort Pitt and issued a proclamation, as Captain Commandant of the Virginia militia, calling the people to meet him as militia January 25, 1775, and stating that a new county was contemplated including Pittsburgh. This gave a chance for all the disaffected and those who wished to avoid the law to gather about him. St. Clair accordingly as a magistrate of Westmoreland had Conolly arrested. For this step Lord Dunmore wished to have him⁴ removed from office but Governor Penn refused, in fact St. Clair⁵ was practically acting under his orders. Some further conflicts⁶ took place between^{me} Virginia and Pennsylvania magistrates, but before long the controversy was swallowed up by the Indian war.

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1. Smith W.H., St. Clair Papers, I., 262-265.
 2. Begun as early as 1752.
 3. Lord Dunmore was the royal governor of Virginia, an ambitious and energetic man.
 4. Smith W.H., St. Clair Papers, I., 291.
 5. Ibid, I., 276
 6. The few inhabitants of Pittsburgh who adhered to the government of Pennsylvania were tyrannically treated by Conolly, who with his militia threatened them and both friendly and hostile Indians as well. St. Clair Papers, I., 317-319.

Virginia and Pennsylvania had very different Indian policies. Virginia wished to get possession of the soil, while Pennsylvania wished the Indians to keep their lands so that she might continue to trade with them. The Virginian borderers had considerable trouble with the Indians, who were led by the Shawnees,¹ and year after year it grew worse, until at last it resulted in Lord Dunmore's War. In this war Pennsylvania remained neutral, though some of her inhabitants were killed by mistake, yet there was great uneasiness among the people of the western part of the state, which St. Clair strove to allay by arranging for militia and building forts. To prevent a more serious outbreak a conference was arranged at Fort Pitt which St. Clair attended and at which he² addressed the Six Nations.

The next year, 1775, began St. Clair's connection with the United States. Congress had appointed commissioners to treat with the Indians at Fort Pitt and induce them to neutrality in the coming war. Two of them were St. Clair's friends and they asked him to act as secretary during the negotiations. While there, St. Clair conceived the idea of a volunteer expedition to Detroit which was strongly recommended to Congress by the commission but disapproved.³ This proposal, however, brought him into the notice of congress so that without application he received in December 1775 his commission as colonel from President Hancock, who urged him to repair to Philadelphia at once, which St. Clair says he did not hesitate to do although he had five little children and six

1. American State Papers, 4th. ser., I., 872.

2. Ibid, I., 480.

3. Congress gave as their reason that Arnold was before Quebec which must soon fall and Detroit with it. St. Clair thought the real reason was the scarcity of ammunition.

lucrative offices in Pennsylvania.

His first duty came in January 1776 when he was instructed to raise a regiment to serve in Canada. This was completed in six weeks, leaving Philadelphia in March for the north where it was just in time to cover the retreat of the army from Quebec. General Thomas had withdrawn to the mouth of the Sorel where he was joined by four regiments, of which St. Clair's Pennsylvania troops constituted a part. St. Clair himself came on to Sorel in the middle of May from Montreal where he had been to consult with the committee of congress.² He suggested to General Thompson³ the practicability of retarding the British transports from passing up the river by taking the post at the village of Three Rivers with 600 men.⁴ An attempt was made to carry out this plan but it failed through a blunder of General Thompson's.⁵ The general himself and several other officers were taken prisoners so it fell to St. Clair⁶ to conduct the remains of the detachment back to Sorel which he accomplished successfully.

A retreat from this camp soon became imperative because of its poor location for defense.⁷ The Americans then pressed on to Crown Point which was also decided untenable by a council of officers under General Schuyler. In defending this step to Washington

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1. Aitken J., St. Clair's Indian Campaign, p. 234.
 2. American State Papers, 4th ser., VI., 578.
 3. As General Thomas had been taken with small pox, General Thompson commanded until the arrival of general Sullivan.
 4. Aitken's St. Clair's Indian Campaign, pp. 235-239.
 5. American State Papers, 4th ser., VI., 684
 6. Account of this expedition is given in St. Clair's Indian Campaign pp. 235-239.
 7. Aitken J., St. Clair's Indian Campaign, pp. 239-242.

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General Gates wrote that "Colonel St.Clair and Colonel De Haas, in particular, men whose long service and distinguished characters deservedly give their opinions a preference" were among those to advise it.¹ Consequently the army moved on to Ticonderoga where St.Clair spent the summer and on July 28th had the honor of reading the Declaration of Independence to the troops.² While here, he also received the promotion to Brigadier General,³ which excited some jealousy among the other officers.⁴

Shortly after, St.Clair left the northern department and joined General Washington in New Jersey where he arrived in December and took an active part in the winter's campaign and the affair at Trenton. He claimed that he suggested the march on Princeton and the cantonment of the army at Morristown, because he had a slight acquaintance with the country.⁵ In recognition of his services he was commissioned Major General in February.

The following spring he was ordered back to command at Ticonderoga. On his arrival here in June, 1777, he found 2,000 ill-equipped men and boys for its defense, while the year before General Gates had demanded 10,000 regular troops and as many militia as he wished for that purpose.⁶ But congress thought the enemy would make no attempt in that quarter.⁷ St.Clair, however, made what repairs

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1. American State Papers, 5th ser., I., 650
 2. Ibid, VI., 630
 3. Ibid, VI., 604; II., 128
 4. Ibid, I., 1204
 5. Aitken J., St.Clair's Indian Campaign, pp. 242-244, Corroborated by Wilkinson's Memoirs, II., 140
 6. Letters from Colonel Wayne in the winter of 1777 showing the weakness of Ticonderoga, St.Clair Papers, I., 384-394. Letters from St.Clair on the weakness of his forces, St.Clair Papers, I., 397-400, 402-404.

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he could on the fortifications and got it in such shape that had General Burgoyne made a direct attack, he might have resisted ~~them~~¹, but instead he began to surround St.Clair and took Mt.Defiance which commanded the works of Ticonderoga and Mt. Independence. The position of the Americans was critical and a council of general officers² decided for evacuation. Accordingly a retreat was made to Fort Edward which was reached on July 12th, whence St.Clair wrote President Hancock, "It was my original plan to retreat to this place, and that the militia might have something round which to collect themselves; it is now effected, and the militia are coming in, so that I have the most sanguine hopes that the progress of the enemy will be checked; and I may yet have the satisfaction to experience that, by abandoning a post, I have eventually saved a state."³

The evacuation of Ticonderoga caused a great deal of surprise and censure of St.Clair, as its defenses had been over estimated. Even Washington could not understand it, but the account⁴ of the number in the garrison sent him by Major General Heath was much larger than it actually was.⁵ He wrote General Schuyler that St. Clair owed it to his character to insist on an opportunity of

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1. Colonel Trumbull had earlier proved to Gates, Schuyler and congress that Mt. Defiance was the point which should be fortified but nothing was done about it. St.Clair Papers, I., 76.
 2. Smith W.H., St.Clair Papers, I., 420
 3. For a full report see Aitken J., St.Clair's Indian Campaign, pp. 185-188 or St.Clair Papers, I., 426-428, 429-433. That the victory of Saratoga was due to the evacuation of Ticonderoga was the opinion of several officers. St.Clair Papers I., 443, 444
 4. Ford's Writings of Washington, V., 485
 5. Ibid, V., 501.

of defending his evacuation of the post and the sooner he justified⁸ himself the better, for his action appeared unaccountable to the¹ people in the east. By a resolution of Congress² July 30th St.Clair was ordered to repair to headquarters and, although he disliked leaving the army at such a critical time, the anticipation of an³ inquiry into his conduct was some compensation.

Accordingly, after the battle of Saratoga, St.Clair left the Northern Department August 20th and repaired to congress where he demanded a court martial which was, however, delayed by intrigue. It is said that this hostility was not directed against St.Clair⁴ on personal grounds, but was occasioned by his friendship for Washington. Court martial was not permitted and a committee appointed to collect testimony did not report as they could not find testimony to convict.

Later, in November, a resolution was adopted by congress⁵ permitting St.Clair to attend to "his private affairs". Washington was indignant at this treatment. In October he wrote President Hancock that it would be well that the inquiry be brought to a⁶ speedy issue as St.Clair's services were valuable. The following May he wrote again, "with pain, I add, that the proceeding, or, more properly, not proceeding, in this matter, is looked upon as⁷ cruel and oppressive". Finally in April 1778 Gouvernor Morris

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1. Ford's Writings of Washington, V., 490-491.
 2. Journals of Continental Congress, VIII., 590.
 3. Smith W.H., St.Clair Papers, I., 439.
 4. Except in the case of Samuel Adams who was angry because St. Clair had dismissed two Massachusetts regiments for being "disorderly and licentious".
 5. Journals of Continental Congress, IX., 501.
 6. Ford's Writings of Washington, VI., 103.
 7. Ibid, VII., 36.

succeeded in getting a committee appointed with instructions to¹ prefer charges. The next September the court martial was held, of which Major-General Lincoln was president, which rendered the verdict, "The court having duly considered the charges against Major-General St.Clair, and the evidence, are unanimously of the opinion, that he is not guilty of either of the charges preferred against him, and do unanimously acquit him of all and every one of them with the highest honor". This decision was the occasion of many congratulatory² to St.Clair; among them a very warm one from Lafayette.

Although he had been suspended from command, pending the court martial, St.Clair had served under Washington without regularly³ assigned duties, taking an active part in the battle of Brandywine and sharing in the trials at Valley Forge. The winter of 1779 found American affairs at an extremely low point; the troops unpaid and congress very weak: St.Clair succeeded in keeping the Pennsylvania line from dissolution and its numbers in excess of the⁴ others of the army, although there was much dissatisfaction. It was from his division that the soldiers were taken to head the column which assaulted the works at Stony Point.

Throughout 1780 St.Clair's services were very valuable. He was appointed to investigate how a detachment of the enemy crossed on the ice from Staten Island, entered Elizabethtown and

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1. For this court martial see New York Historical Society Collections, XIII., 5-171.
 2. Smith W.H., St.Clair Papers, I., 458.
 3. Aitken J., St.Clair's Indian Campaign, p. 245.
 4. Shown in his correspondence with President Reed, St.Clair's Papers, I., 460-469.

Newark on January 25th and plundered the inhabitants, and see what
measures might be taken for retaliation.¹ Again in March he was
authorized with two others² to meet British commissioners to settle
a general cartel for the exchange of prisoners at Amboy. Nothing
came of this, however, as the enemy refused to treat on mutual terms³

In August of the same year a compliment was paid St.Clair
in the offer⁴ of the command of the light infantry which was
generally under Lafayette. The latter was to attack New York on
Clinton's removal to Rhode Island, but as Clinton returned suddenly,
Lafayette again took command of the light infantry.⁵ About a
month later when the cavalry was surprised by Arnold's treason,
St.Clair was directed to take command of West Point and guard
against any movement by the enemy.⁶ While stationed here it fell
to him to be one of the court to try and convict Major Andre.
Probably Washington intended to leave St.Clair in command at West
Point but as Greene asked for the position, St.Clair was ordered to
move the Second Pennsylvania brigade and Meig's regiment to the
army.⁷

The poverty and suffering to which the army was exposed
during these years finally brought about a revolt in January 1781
among the Pennsylvania troops under General Wayne at Morristown,
the immediate cause of which was a disagreement between the men
and the officers over the term of enlistment, whether it was for
three years or for the war. St.Clair went to Morristown and,
although he could not see the mutineers, assured the few remaining

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1. Smith W.H., St.Clair Papers, I., 493-490.
 2. Lieutenant Colonels Edward Carrington and Alexander Hamilton
For instructions see Ford's Writings of Washington, VIII., 216
 3. Smith W.H., St.Clair Papers, I., 503-504. 4. Ibid, I., 520.
 5. Aitken J., St.Clair's Indian Campaign, p.247.
 6. Smith W.H., St.Clair Papers, I., 528.
 7. Ford's Writings of Washington, VIII., 471.

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soldiers of future consideration. Terms were finally arranged by President Reed of Pennsylvania and a congressional committee.¹ This unexpected reduction of the line made recruiting necessary and St.Clair was entrusted with the work of filling the Pennsylvania lines, a vexatious task, especially as it was difficult to get the necessary funds from the Pennsylvania Assembly.

Just when this was finished and St.Clair was ready to follow the army south, congress became afraid that an attempt would be made on Philadelphia from New York and ordered him to remain with the troops he had left.² On his informing Washington of this, the latter wrote urging him to come on and congress finally revoked the order, so he joined the army at Yorktown, shortly before the capitulation. He was then sent to aid General Greene in South Carolina and to sweep away all the British posts in North Carolina which were, however, abandoned before he reached them. After a weary march he joined Greene on December 27th.³

In the summer as the war was virtually over and as his finances required his presence, St.Clair returned home.⁴ He was again called into service in 1783 when the lines at Lancaster refused to be discharged without pay and marched to Philadelphia. Congress sent for St.Clair to march the mutineers back to Lancaster and tell them that they would be paid there only. A resolution was later passed authorizing General Howe to march 1500 troops to Philadelphia to disarm the mutineers but before his arrival St.Clair and the

1. Smith W.H., St.Clair Papers, I., 533-534.

2. Ibid, I., 559.

3. For full account see Aitken J., ST.Clair's Indian Campaign pp. 247-49.

4. The government had paid him neither what was due him nor what he had advanced, so he was running behind.

executive council had succeeded in quieting the disturbance peacefully. This ended St.Clair's connection with the revolution, a period in his life second only in importance to his governorship in the Northwest.

He now found himself ready to begin again with neither property nor offices, but he was not long without the latter. In 1783 he was elected from the county of Philadelphia a member of the council of censors, a body to inquire whether the constitution had been preserved inviolate, whether the taxes were properly expended, etc. As a member of this council he participated in the debates and committee work.¹ He was also elected to the office of Vendue-master of Philadelphia, an honorable and paying position, through which the public revenues were received at the time. There was just then an extra amount of property to be sold as a result of the revolution.

In February 1786 he first attended congress as delegate from Pennsylvania. During his term the discussion took place on Jay's proposal to give up the Mississippi navigation temporarily. St.Clair in the debates supported this compromise. He thought it better to give up the exercise of a right they could not maintain and receive something for it than to insist on it and lose both the right and the advantage.² In February 1787 St.Clair was elected president of Congress, an important piece of legislation occurring while he held the office in the Ordinance for the government of the Northwest territory. To understand that document a glimpse at the early history of the Northwest is indispensable.

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1. This council was provided for by the terms of the Constitution of Pennsylvania in 1776.
 2. The same opinion is given in a letter to Monroe, St.Clair Papers, I., 599-603.

C H A P T E R I I .

THE NORTHWEST FROM THE REVOLUTION THROUGH THE ORDINANCE OF 1787.

At the close of the revolution the United States found herself heavily burdened with debts, while the only resources in view were such as might be derived from the sale of the lands commonly termed the Northwest Territory, the region between the Ohio and Great Lakes extending west to the Mississippi River, which had been relinquished by Great Britain in the treaty of 1783. The title to these lands was, however, still unsettled; the Indians claimed the territory as their home and hunting ground by right of possession, while the different states asserted claims, based on their original charters and also on conquest in the case of ^{Virginia,} Great Britain herself, refusing for a number of years to comply implicitly with the terms of the treaty, retained her military posts in that vicinity.

The settlement of state claims to this territory was a matter of pressing importance because Maryland¹ refused to enter the new confederacy, while her neighbors had title to the wide region in the west. She argued that as all the states had contributed their share of blood and money for the common defense of this territory, they should all share in the common advantage from it. When, however, an appeal was made to the patriotism of the states,

1. See Adams H.B., Maryland's Influence upon Land Cessions to the United States, in John Hopkins University Studies in Historical and Political Science, Third Series, III., No.1.

New York set the example early in 1780 by giving up her claims in the Northwest, the other states following in turn until by 1788 congress had title to all the Northwest except a small tract south of Lake Erie, the Western Reserve, which Connecticut did not cede till 1800.

It was also necessary for congress to extinguish the Indian title to these lands before she could set up a civil government. The last treaty recognized as official by the Indians was that of ¹Fort Stanwix 1768, between the British and the Indians, which recognized the Ohio as the boundary line of the whites. In gaining the right to the territory beyond this, congress unwisely decided to deal with the Indians by tribes. In 1784 a second treaty of Fort Stanwix was held by which the Iroquois consented to a western boundary line running south from the western end of Lake Ontario to the northern boundary of Pennsylvania, west along that line and down the western boundary of the state to the Ohio, the United States reserving in that district a six mile square about Fort Oswego.²

The next year the treaty of Fort McIntosh was held with representatives from the Wyandot, Delaware, Chippewa and Ottawa nations. It was agreed that these tribes should retain possession of a region south of the eastern half of Lake Erie, except for tracts six miles square about the military posts in the country which were reserved to the whites.³ Still another treaty took place⁴ in 1786 with the Shawanese Nation at the mouth of the Great Miami.

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1. Documents Relative to the Colonial History of the State of New York, VIII., 135.
 2. Senate Documents, 58th congress, second session, Documents 319, volume 2, pp. 5-6.
 3. Ibid, pp. 6-8.
 4. Ibid, pp. 16-18.

The lands allotted them began at the south line of the lands assigned the Wyandot and Delaware Nations, and lay between the Great Miami and the Wabash. Theoretically the Indian title was settled by these treaties but in reality they were not observed and only served to rouse the jealousy of some of the tribes, who denied the validity of treaties with separate tribes and stood for the old boundary line of the Ohio.

Efforts and plans for governing this new territory had not been lacking. As early as April 1783, 288 of the army officers at Newburg² had drawn a plan for the organization of the Northwest by which congress might fulfill its debts to the soldiers. For some reason this was not pushed but was allowed to drop, as well as an ordinance for the organization of the west which was introduced into congress in June of the same year. But with Virginia's cession congress was put in actual possession of a large tract of land for which government must be provided.

It was then that Jefferson brought forward his ordinance for the Northwest. By his plan there were to be laid out fourteen states between the 45th and 51st parallels, allowing two degrees of latitude to each state in horizontal tiers. These states, to which he attached most fantastic names, were to become members of a confederation when they attained a population equal to that of the smallest of the original states. The most important provision of the Ordinance perhaps was that slavery was excluded from the territory. This clause was later dropped out, together with the fancy names for the states, and thus, with other minor changes, the Ordinance was passed April 1784.

Though the government for the Northwest had thus been

provided, the Ordinance was not put into effect, while for the next two or three years various schemes were proposed for its improvement. What is known as Grayson's plan (1785) introduced some variations in the scheme, namely, that there should be but five states, that townships were to be made six miles square, that a section of a square mile in each should be reserved for education, and that the district between the Scioto and Little Miami be reserved to meet the bounties due Clark's troops.

Meanwhile the necessity of a territorial government was keenly felt among the old French settlers on the Wabash, who were in desperate straits from the confusion of war, and trouble from the Indians and squatters. In response to their petition that a government be set up among them, congress ordered on August 24, 1786 "that the secretary of congress inform the inhabitants of Kaskaskia, that congress have under their consideration the plan of a temporary government for the said district, and that its adoption will be no longer protracted than the importance of the subject and a due regard to their interest may require.¹

But the most potential factor in bringing these desultory efforts at organization of the west to a head was the arrival of an actual purchaser of the lands of that region, for one of the chief motives in organizing a government was that the lands might be sold² to pay the public debt. This purchaser was Dr. Manasseh Cutler, a

1. Journals of Congress, X and XI., 146.
2. Dr. Manasseh Cutler was a man of personal accomplishments as well as worldly wisdom. He was a Yale graduate and had studied law, divinity and medicine, holding the degrees A.M. from Harvard College and LL.D. from Yale. As a scientist he was also prominent and was a member of all the leading scientific societies of the time. His connection with the Ohio Company came doubtless from his having been a chaplain in the continental army. When at a meeting of the company March 8, 1787 it was ascertained that of the 250 shares subscribed he had obtained over 100, Cutler was made one of the three directors.

Massachusetts clergyman, who represented the Ohio Company, which had been organized in 1786 by a group of New Englanders, revolutionary officers.¹ They hoped to pay for the land in army certificates, thus gaining future homes for themselves west of the Ohio. Though Dr. Cutler was ostensibly interested in making the land purchase, yet he was also concerned in the government which was to be set up there, for on that depended to a great extent the success of the Ohio Company.

He bore numerous letters of introduction to the members of congress, especially the southern delegates, who were more in favor of the project; and it is significant that four days after his arrival the Ordinance was referred to a new committee, three of the five members southerners, whose amended report was accepted four days later, July 13th, by congress. Thus in four days the work of four years was finally culminated. Just what influenced Cutler himself had on the terms of the Ordinance it is difficult to say. A copy was sent him by the committee and he proposed amendments, all of which, he says, "except one, and that is better qualified," were accepted.²

This is the famous Ordinance of July 13th, 1787. After providing that for the purposes of government the territory should be one district, to be divided, however, into two, as future circumstances made expedient, rules were given for the free descent of property. The government was in the hands of a governor, secretary

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1. Now when General Parson's application to congress for land had failed, Cutler was sent up with favorable results for the company.
 2. Cutler W.P. and J.P.; Life, Journal and Correspondence of Reverend Manasseh Cutler, I., 242, 293.

and three judges to be appointed by congress, the governor and judges or a majority of them being authorized to adopt such laws of the original states as they thought necessary for the district. As soon as there were 5,000 free male inhabitants in the country, they could form a general assembly, which could send a delegate to congress with the right of debating but not of voting during the temporary government.

Then followed six articles of compact which gave religious freedom in the territory and secured the writ of habeas corpus, trial by jury, and proportional representation to the inhabitants. The third article stated that education was to be encouraged and good faith observed towards the Indians. Not less than three or more than five states were to be organized in the territory and when any state had a population of 60,000 it was to be admitted to the Union on an equal footing with the original states. The last and most famous clause provided that "There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in punishment of crime, whereof the party shall have been duly convicted

It now remained for Dr. Cutler to make the land purchase which was attended with more difficulty, the committee being unwilling to accede to his terms. Several times Cutler threatened to leave¹ them altogether and purchase lands from some of the states. It was at this time that he wrote in his journal, "Colonel Duer came to me

1. His own state was then selling Maine lands at fifty cents an acre and taking government securities in payment, and New York also had a west for sale.

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with proposals from a number of the principal characters in the city, to extend our contract, and take in another company, and that it should be kept a profound secret. He explained the plan they had concerted and offered me generous conditions, if I would accomplish the business for them". The "generous conditions" were that Colonel Duer and his friends would undertake to get enough votes to pass the ordinance through on the Ohio Company's terms, that Cutler and Sargent and such of their friends in the Ohio Company, as they chose to interest, should have one half interest in the proposed right of purchase, and that Colonel Duer would loan the Ohio Company \$100,000 without interest until they could collect enough for payment in signing the contract. To these terms Cutler agreed and thus the famous Scioto Company came into existence.

On July 27th the purchase was concluded and congress authorized the sale of 5,000,000 acres west of the seven ranges and east of the Scioto River; 1,500,000 acres for the Ohio Company and "the remainder for private speculation in which many of the principal

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1. Colonel William Duer was a man of some prominence, who had come to the United States in 1768 from England. Besides several minor positions he had been a member of the New York State Convention for framing the state constitution, and during the revolution was a member of the committee of safety of New York and of the Continental Congress. He was especially interested in financial enterprises and was at this time secretary of the treasury board of three which had been appointed after Robert Morris resigned as superintendent of finance. He had an extensive acquaintance in Europe and was known as a bold and successful speculator. Duer was quick to see that the lands adjoining the Ohio Company's purchase would be raised in value by such a settlement and accordingly organized the Scioto speculation, which met a disastrous ending. Colonel Duer himself later failed in the panic of 1792 and never again engaged in active business.
 2. Cutler W.P. and J.P.; Life, Journal and Correspondence of Reverend Manasseh Cutler, I., 294.

characters of America are concerned! The total price was \$3,500,000 but as payments were made in public securities worth only twelve cents on a dollar, the real price was only eight or nine cents an acre.²

Cutler's contract, as well as the Ordinance of 1787, was passed through congress, while St.Clair was president of that body, and it seems evident that the passage of the former was considerably due to St.Clair's influence,³ and that the price paid for this influence was Cutler's support of St.Clair for the governorship of the Northwest. From Cutler's Journal we learn that he had intended to support General Parsons as candidate for the governor of the new territory, but suspecting that this was an impediment to the passage of the contract, he declared that if Parsons could be made first judge he would solicit the eastern members to favor St.Clair as governor,⁴ which pleased the southern delegates. This proved to be

1. Cutler W.P. and J.P.; Life, Journal and Correspondence of Reverend Manasseh Cutler, I., 303.
2. Smith, W.H., St.Clair Papers, II., 618.
3. This subject is discussed by William F. Poole in the North American Review, CXXII., 250 and a conclusion similar to the one here adopted. Mr. Smith, editor of the St.Clair Papers, says this is suspicion merely, "It is much more like that Dr. Cutler approached him first to enlist him in his land scheme, and was balked by the caution and circumspection of the Scotchman, but when he spoke of the blessings of a free government over such a vast extent of territory, he engaged his sympathetic aid." St. Clair Papers, I., 126.

One of Mr. Smith's arguments seems aside from the point. St. Clair returned from New Jersey July 15th accompanied by General Irvine who on July 19th writes Butler in speaking of the Ordinance passed that he did not know who the officers of that government were to be. Mr. Smith argues from this that St. Clair had not been canvassed or such an understanding formed with the Ohio Company else Irvine would have known of it. But Dr. Poole does not argue that any such arrangement was made before July 23rd, when Cutler first suggested it: Mr. Smith's only other arguments are St. Clair's own statement given above which he made in later years, and a rather intangible one based on St. Clair's character.

4 Cutler W.P. and J.P., Life, Journal and Correspondence of Reverend Manasseh Cutler, I., 298.

effective, for three days after that declaration we find in the journal, " General St.Clair assured me that he would make every possible exertion to prevail with congress to accept the terms contained in our letter. He appeared much interested and very friendly, but said we must expect opposition. I was now fully convinced that it was good policy to give up Parsons, and openly to appear solicitous that St.Clair might be appointed governor. Several gentlemen have told me that our matters went on much better since St.Clair and his friends had been informed that we had given up Parsons, and that I had solicited the eastern members in favor of his appointment."¹

St.Clair's own version of his appointment in later years was that "the office of governor was, in a great measure, forced upon me," as his friends hoped he might in that way compensate for the losses incurred during the revolution. But he had neither the taste nor genius for speculation in land, nor did he think it consistent with his office; so that in after days he looked upon his accepting that position as the most important act of his life.²

While Cutler was in New York negotiating his land purchase,³ he called on Thomas Hutchins who advised him to pick out his lands at the forks of the Muskingum. This advice was not exactly followed, for the land actually covered by the Ohio Company was the section

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1. Cutler W.P. and J.P., Life, Journal and Correspondence of Reverend Manasseh Cutler, I., 301.
 2. Aitken, J., St.Clair's Indian Campaign, p. 249.
 3. Thomas Hutchins, who for many years had been an officer in the army, in 1781 was appointed geographer to the southern army and three years later became United states geographer. In this office the survey of the western lands, provided for in the Ordinance of May 1785, fell to him. He started the survey of the Seven Ranges but the work was not accomplished before his death in 1789.

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bounded on the south and east by the Ohio River and the Seven Ranges, on the west by a line just west of the Great Kanawha River and extending so far north that a due east and due west line from the seventh range to the said western line would include the whole.

Here at the confluence of the Muskingum with the Ohio the Ohio Company planted its first colony, Marietta, named for Marie Antoinette, which was protected by the garrison of Fort Harmar just across the river. During the late spring and summer of 1788 ground was cleared for homes and for their stockade, Campus Martius, just half a mile up the Muskingum. Industrious farmers who came out to the colony found a soil of astonishing fertility. During the first year 132 settlers including 15 families arrived. So the colony flourished and rapidly grew. In 1789 Harmar wrote Major Doughty, "The New England gentlemen are extremely industrious; Campus Martius is nearly completed. Gay circles of ladies, balls, etc., which I have neither time nor inclination to frequent, these are the changes which in three years this wilderness has undergone."¹

Here at Marietta it was that St. Clair, the new governor, was welcomed on July 8th, 1788 with a salute of fourteen guns, when he arrived to organize the government of the Northwest.

1. Major Denny, Military Journal, p. 441.

C H A P T E R I I I .

INDIAN AFFAIRS IN THE NORTHWEST.

1787 - 1800.

The growth of Marietta as well as the establishment of other new settlements was considerably retarded by the prevailing unrest among the Indians of that locality. On the other hand, the Indians were excited to hostility as they saw the white settlers moving across the Ohio, the squatters encroaching on their hunting grounds and the government surveyors staking out new purchases. Nor was their hostility mitigated by the British who still retained their posts in the Northwest contrary to the treaty of 1783. United States officers repeatedly claimed that the British told the Indians that the territory was never ceded by England to the United States, except as respected the jurisdiction and putting the Indians under the protection of the United States, as their lands must be purchased of them;¹ reports which were circulated among the tribes by Joseph Brant² who was trying to confederate the Indians against the United States.

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2. Joseph Brant, the great Mohawk chief who had assisted the British against the Americans in the revolution, had, after the signing of the peace moved with his nation into Canada. They had not, however, withdrawn from the confederacy of the Six Nations, nor had Brant resigned the headship of the whole. He was now trying to keep the western tribes excited against the United States, in which he was aided by the British. See Stone's Life of Joseph Brant.
 1. Smith W.H., St.Clair papers, II., 8,9.
Cutler W.P. and J.P., Life, Journal and Correspondence of Reverend Manesseh Cutler, I., 377.

The British, desirous of keeping the good will of the Indians and yet not wishing to go so far in that direction as to incur war with the United States, tried to follow a middle course which often placed them in an embarrassing position. They were clearly under obligations to their former savage allies who had received no mention in the treaty of 1783, yet their own interests were a stronger influence for favoring the Indians than any debt of gratitude. Their policy, it has been suggested, was to have the "Indians remain an independent power and a permanent barrier between the United States and the British provinces" ¹ but back of every motive was the jealous guarding of their fur trade which was of great value. ² For this they had really retained their posts in the northwest, and for this they desired to secure the friendship of the Indians to whom they made annual presents. The surrender of the posts, the reduction of the Indians, and the loss of their fur trade they thought so bound up in each other that the event of any one of these ³ three contingencies meant a triple loss.

They did not venture, however, to directly assist the Indians and avow war against the United States. When Brant in 1786 inquired how much support the Indian confederacy might expect from England in a case of a dispute with America, he received the non-committal answer that the king was always ready to attend to their future welfare and "anxious upon every occasion, wherein their

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1. Dunn, J.P., Indiana, p. 204. Kingford William, History of Canada, VII., 368.
 2. The reasons given the United States ministers was the non-fulfilment by the United States of certain stipulations of the treaty of 1783, as regarding the collection of British debts and the treatment of loyallists.
 3. Canadian Archives Report 1890 pp. 183, 242.

interests and happiness may be concerned, to give them such further testimonies of his royal favor and countenance, as can, consistently with a due regard to the national faith, and the honor and dignity of his crown, be afforded them.¹ Orders were given that Indian deputies be prevented from coming to Quebec, if it could be done without injuring them, and given to understand that no power there could begin war. But to avoid their resentment they were to be sent off warmly clothed and bountifully supplied.² Thus, as the British³ claimed, there was probably no official encouragement of the Indians,⁴ but no great exertion could have been made to restrain unofficial encouragement or there would not have been occasion for so many accusations as were made during those years.

These accusations were numerous; not an encounter between the Americans and Indians took place in which the British were not reported concerned in some way or other, and of course seen through the eyes of the United States officers their every act looked suspicious. But aside from the charges made by the United States officers, the Indians themselves often urged as an excuse for their raids that the British encouraged their young men. On the whole, there was evidence enough to call forth a few years later the emphatic statement from Washington "there does not remain a doubt- that all the difficulties as encounter with the Indians, the hostilities, the murders of helpless women and innocent children along our frontiers, result from the conduct of the agents of Great Britain in this country. In vain is it then for the administration in Britain to

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1. Canadian Archives Report, 1906 p. 550
 2. Canadian Archives Report 1890, p. 181.
 3. Ibid, pp. 143, 173, 303.
 4. On the English position, see Canadian Archives Report, 1906, p. 547.

disavow having given orders, which will warrant such conduct, whilst their agents go unpunished; whilst we have a thousand corroborating circumstances, and indeed almost as many evidences,-- to prove, that that are seducing from our alliance, and endeavoring to remove over the line, tribes that have hitherto been kept in peace and friendship with us at a heavy expense, and who have no causes of complaint, except pretended ones of their creating; whilst they keep in a state of irritation the tribes, who are hostile to us, and are instigating those, who know little of us or we of them, to unite in the war against us; and whilst it is an undeniable fact, that they are furnishing the whole with arms, ammunition, clothing, and even provisions, to carry on the war; I might go further, and, if they are not much belied, add men also in disguise.¹"

The English clearly realized the weakness of the federal government, which forced them to endure these provocations, and perhaps even exaggerated it, for they saw the federal government at its weakest point, the West. They had an opportunity to see how the new constitution was dividing the country in the dissatisfaction of the people of Vermont, who, allied to England by their situation and commercial interests, plainly intimated that if the United States should try to force them into the new government, they would become a province of England,² a proposal which the British did not see fit to discourage. They also knew that the connection of the west with³ the

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1. Ford's Writings of George Washington, XII., 460-461.
 2. Canadian Archives Report 1890, pp. 132, 210-211.
 3. They thought the Muskingum settlements were composed of discontented officers and soldiers, who were only attached to the United States by their personal regard for the president. See Canadian Archives Report, 1890, p.273. On the weakness of the west see also St.Clair Papers, II., 417-420.

federal government was weak and tried to make advances on commercial grounds to the new settlements on the Ohio through General Parsons.¹

The only two outlets for the trade of the west were through Canada and by the Mississippi which was closed to them by Spain.² In case of war between Spain and Great Britain, the United States might be persuaded to join the latter on the inducement of gaining the Mississippi or Spain might prevail on them to ally themselves with her in hope of gaining the posts. For this reason the English at Canada watched the American movements in the West closely for evidences of friendship between them and the Spaniards.³ Some of the Kentuckians did at one time contemplate a separation from the eastern states, planning that if Great Britain would furnish them with arms so that they could take New Orleans, they would deliver it to her in return for freedom and protection of their trade down the Mississippi.⁴ Thus realizing that the federal government was too weak to undertake a war against them, the officials at Canada could close their eyes to any assistance the British subjects might render the tribes.

When St.Clair became governor, the most pressing question was the Indian problem, which according to his instructions was to be solved by a new treaty,⁵ the primary objects of which were to gain harmony between the United States and the Indians, to regulate trade and to settle boundaries. A new boundary line was to be stipulated and any white person crossing it without license from the proper officers of the United States might be dealt with as the

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1. Canadian Archives Report 1890: pp.99-100, 209.
 2. Reynolds John, The Pioneer History of Illinois, p. 132.
 3. Canadian Archives Report, pp. 133, 144
 4. Ibid, p. 108.
 5. For the earlier treaties see Chapter II. The treaties of Forts Stanwix and McIntosh had proved entirely ineffectual, as the Indians claimed they were made without authority.

Indians thought proper. St.Clair was also instructed to ascertain who were the chief men of the tribes and attach them to the United States, to make all efforts to defeat confederations among the tribes and to conciliate the white people of the frontiers towards them.¹

There was a large group of tribes between the Great Lakes, the Ohio and the Mississippi who came under St.Clair's attention. South east of Lakes Erie and Ontario were the Six Nations, including the Senecas, Cayugas, Onondagas, Oneidas, Tuscaroras and Mohawks. To the west of them between Lake Erie and the Ohio were the Delawares ranging from the Muskingum to the Alleghany. Still farther west the Miamies occupied the valley of that name, extending from the Wabash to the Scioto River, where the Shawanese lived. The Weas, Kickapoos and Pottawatomies were on the Wabash River, while the Wyandots and Ottawas lived on the Maumee River though they often came south to hunt. Still farther north than the latter, to the west of Lake Michigan were established the Sacs and Foxes, north of whom in turn the Chippewas had their dwellings.²

Various causes operated to delay the treaty so that it did not reach completion till January 1789. St.Clair had set about at once preparing for it, but owing to the severity of the winter 1787-88 his messengers to the tribes were delayed. State interference also tended to postpone it. New York State called the Six Nations to a meeting for state purposes at the very time they were³

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1. Smith W.H., St.Clair Papers, II., 36
 2. Hubert, A.B., The Ohio River, pp. 24-28.
 3. It was difficult to obtain money for the necessary presents as the government was practically bankrupt. In March 1788 St.Clair was given a warrant by the State of Pennsylvania for \$1,000 but was unable to collect the money. In July, however, congress appropriated \$ 0,000 to the War Department which relieved that side of the situation. See St.Clair Papers, II., 43.

called to a different part of the country for this general treaty,¹ which distracted as well as delayed them. Again in October when preparations for the treaty had long been under way, General Gibson, a commissioner from Pennsylvania, arrived at Fort Pitt, who with General Butler had been appointed by that state to treat with the Senecas and make them compensation for a tract of country on Lake Erie, including Presqu' Isle which the state had purchased of congress.² Moreover, the tribes for their part wished to hold a general council near Sandusky before coming on to the Muskingum where³ the treaty was to be made. It was also said that they had been scared away by the reports on good authority that the whiskey intended for them was poisoned and that small pox infection had been put in the blankets to be given them.⁴

Meanwhile during the summer and fall of 1788 hostilities continued on both sides. The colonies lived in a state of defense, the working parties going armed to the fields, where a small patrol⁵ was daily stationed about them. Attacks were made on small bands⁶ of militia which were ably revenged. The Indians even went so far⁷ as to attack those guarding the provisions for the council, so that they had to be moved into Fort Harmar, and a few days later an attack⁸ was made on the party building the council hall. These outrages were not committed on the Indian side alone, however, for plans were

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1. Smith W.H., St.Clair Papers, II., 48
 2. Major Denny, Military Journal, p. 330.
 3. Cutler W.P. and J.P., Life, Journal and Correspondence of Reverend Manasseh Cutler, I., 377
 4. Major Denny, Military Journal, pp. 330-331.
 5. Cutler W.P. and J.P., Life, Journal and Correspondence of Reverend Manasseh Cutler, I., 388
 6. Major Denny, Military Journal, P. 328
 7. Smith W.H., St.Clair Papers, II., 50
 8. Ibid, II., 64.

made by some vagabonds about Wheeling to attack the Six Nations on their way to the council, which were defeated by General Harmar's¹ providing an escort for them.

By December most of the tribes² had arrived and the council opened with representatives present from all the Six Nations except the Mohawks, from the Wyandot, Delaware, Ottawa, Chippewa, Pottiwatomie and Sac Nations. Their principal complaint was that the Americans had cheated them in the past. They were willing, they said, to abide by their old treaty which established the Ohio as a boundary line, in token of which an old Wyandot chief presented a large belt of wampum with a black stripe running through the middle representing the Ohio. The governor replied that he could not deviate from the treaties of Fort Stanwix and Fort McIntosh. He explained to the Indians how they had forfeited their country by joining England in the late war who had ceded to the United States all the country south of the Great Lakes. As an extra inducement, he added, if they would renew their old treaties, he would add an article allowing them the privilege of hunting in United States³ territory and would give them a certain quantity of goods.

Two separate treaties were finally negotiated under these conditions, one with the Six Nations and one with the Wyandot and more westerly tribes, St. Clair stating that a jealousy existed between them which he did not wish to lessen by considering them as one people.⁴ The treaty with the Six Nations renewed that of Fort

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1. Major Denny, Military Journal, p. 328
 2. Brant had drawn off as many as he could but his influence had not been so universal as expected.
 3. Major Denny, Military Journal, p. 332.
 4. St. Clair for this fact has been accused of evolving the ingenious plan of first maddening the Indians into war, and then falling upon them with exterminating punishment. Ohio Arch. and Hist. Soc. Pub., VII., 31, The Indian Tribes of Ohio by Warren K. Moorehead.

Stanwix (October 22, 1784). The boundary line was confirmed in return for presents and a quantity of goods valued at \$3,000.

The treaty with the Wyandots, Delawares, Ottawas, Chippewas, Pottiwatomies and Sacs confirmed the boundary of the treaty of Fort McIntosh in consideration of goods and presents amounting in value to \$6,000: The clause of the latter treaty stating that all prisoners who should be given up was also renewed, and two Wyandot given as hostages till this should be performed. The Indians were allowed to hunt in the territory ceded the United States if they were peaceable. Then followed other regulations concerning the trial of murder, the punishment of horse thieves, the rights of traders, etc.¹ Thus the United States government paid again for lands already purchased by the treaties of Fort Stanwix and Fort McIntosh, with no further guarantee that the terms would be regarded.

That they would be regarded seemed extremely doubtful even^{1b} at the time. General Harmar, before the treaty began, expressed his opinion that it was "all idle business. One half will come in, sign articles and receive presents, while the others are killing, scalping and doing us every possible damage they can."² Major Denny's entry in his journal for January 11, 1789 reads: "This was the last of the farce. The articles were signed"³. So he too regarded the treaty as a farce and even St.Clair, who was generally sanguine, thought that Brant might be able to incite some of the tribes he had prevented from coming forward, to mischief. This stroke he thought would fall in Kentucky.⁴ Moreover, he expected danger to the

1. Senate Documents, 58th congress, second session, document 319, volume 2, pp. 18-25 For the territory included see Chapter II.

1.b At the head of the troops in the Northwest.

2. Major Denny, Military Journal, p. 323.

3. Ibid, p. 334

4. Smith W.H., St.Clair Papers, II., 108.

Virginia frontiers from the Miami and Wabash Indians, who, though invited to the treaty, did not attend but continued their depredations.¹ In fact even before the treaty was under way, congress had at the suggestion of St.Clair, authorized Virginia and Pennsylvania to furnish him militia if necessary.² These doubts concerning the effectiveness of the treaty were soon realized and if the negotiations were intended to protect the frontiers they failed. Few tribes placed more faith in the treaty of Fort Harmar than in the earlier ones; it has even been³ claimed that such a treaty was not held.⁴

Depredations were continued in the Northwest and during the years 1789 and 1790 congress was besieged with complaints against the Indians. Most of the letters accused the government of negligence, and inattention to the safety of the West, threatening that because of want of confidence in it, they would resort to measures for their own protection. The delay of the government to act did indeed tempt the frontiers people to take matters into their own hands. Representatives of the frontier counties of Virginia wrote the president that, although they had a high opinion of St. Clair's integrity, he was so often called to visit the different posts on the Ohio, that he was unable to render them the necessary

1. Smith W.H., St.Clair Papers, II., 111

2. Journals of Congress, XIII., 72

3. Kingsford William, History of Canada, VII., 293.

Kingsford's statement seems taken directly from the Canadian Archives Report 1890: p. 228, but later in the same volume reference is made to the terms of this treaty. (See Canadian Archives Report 1890: 230) which seems to show that the English negotiations were made.

4. The Ohio was the central point of the attacks, where a white prisoner was often used to decoy victims to shore. A certain rock near the mouth of the Scioto became famous as the Indian lookout. General Harmar, besought by the Kentuckians to break up this nest, started with the troops, but before he reached them, the Indians had scattered. Burnet Jacob, Notes on the Early Settlement of the Northwestern Territory, p.82.

aid nor could they always find him in the hour of their distress. St.Clair himself was very much afraid that the Kentuckians would march through his territory against the Wabash Indians, which meant danger to his government and a chance of the peaceful tribes being involved, which would lead them to think that the United States² did not regard treaties.

The western version of affairs was well stated in a letter from Judge Innes to the War Department in July in which he said that he had been in the territory since 1783, and the Indians had always been the aggressors, while any incursions into their country were produced by reiterated injuries, and their mode of warfare rendered it impossible to tell to which tribe the offenders belonged. Since November 1783, he continued, 1,500 persons had been killed and taken prisoners, and 20,000 horses had been carried off besides other property. Meanwhile the settlers were decreasing and new ones deterred from joining them. The result would be volunteer expeditions into the Indian country, which would not distinguish between³ peaceful and hostile tribes, and so would undo all congress' work.

While thus seemingly neglectful of the westerners, the government was following the policy of trying pacific measures first and force afterwards. Their dealings with the Indians for the next six years after the Treaty of Fort Harmar consisted of a series of expeditions, each preceded by unsuccessful embassies of peace, which were finally temporarily concluded by the Treaty of Greenville 1795.

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1. For these letters see American State Papers, Indian Affairs, I., 84 - 87.
 2. Smith, W.H., St.Clair Papers, II., 123.
 3. American State Papers, Indian Affairs, I., 88

In accordance with this policy St.Clair during the summer of 1790 sent Antoine Gamelin with speeches to the western tribes, a last effort at pacification. Their answers in the main were anything but pacific, one chief stating that their young men were constantly encouraged by the British, and that the French traders were leaving them because they were plundered by the Americans, another that the treaty at the Muskingum was not made by the chiefs, and still another inquiring why St.Clair did not come to them instead of asking them to come to him as "he has not his leg broke, being able to go as far as the Illinois". Many of the tribes wished Gamelin to go to Detroit with them and consult the British commander¹ but naturally he refused.

The failure of Gamelin's mission convinced St.Clair that coercion was necessary and in August 1790 he announced his plans for an expedition. Part of the militia with Major Hamtramck were to march up the Wabash against the villages there, while the main body under General Harmar was to march across the country to the Miami villages. If the movements were made in concert, they would² prevent the tribes from aiding each other.

These measures were approved by the President Washington though he regretted that war was necessary. Through General Knox instructions were given St.Clair that, since the British officers in Canada were jealous of the designs of the United States respecting the posts in the Northwest, he should "at a proper time" inform them of the real object of the expedition. He was also to inform the

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1. American State Papers, Indian Affairs, I., 93
 2. Smith William H., St.Clair Papers, II., 156.

tribes with whom they had treaties of their pacific disposition¹ towards them. On September 19, 1790 St.Clair accordingly wrote Major Murray at Detroit, assuring him that the expedition was not intended against any of the English posts but to chastise certain hostile tribes. The letter closes with this suggestion, "there is every reason to expect both from your own personal character and from the regard you have for that of your nation, that those tribes will meet with neither countenance nor assistance from any under your command, and that you will do what lies in your power to restrain the trading people, from whose instigations there is too good reason to believe much of the injuries committed by the savages has proceeded."² Washington disapproved of the sending of this letter as premature in which he was right, if, as he thought, the British were encouraging and assisting the Indians with powder and ammunition.⁴

In October 1790 Harmar set out from Fort Washington on his expedition to the Miami country where he burned five villages,

1. Smith W.H., St.Clair Papers, II., 162

2. Ibid, II., 186

For the substance of the reply to the latter see Canadian Archives Report 1890: 273.

3. Ford's Writings of Washington, XI., 507 footnote.

4. The editor of the St.Clair Papers seems finally to conclude that these instructions were inspired by General Knox rather than by the president. St.Clair Papers, II., 186, footnote.

The other explanation seems more probable, namely, that as the date on which the letter was to be sent the British officers was not definitely designated, St.Clair erred in his judgment as to what was the "proper time".

including the homes of several British traders,¹ gardens, fruit³⁶
trees and 20,000 bushels of corn.² Though the general purpose of the
expedition was thus accomplished, the unexpected loss of troops,³
183 being reported killed and missing, makes St. Clair's report
to the Secretary of War seem too optimistic: he writes "I have the
pleasure to inform you of the entire success of General Harmar's etc.⁴
And again in November when he announced the return of the army he
says, "One thing, however, is certain, that the savages have got a
most terrible stroke, of which nothing can be a greater proof than⁵
that they have not attempted to harrass the army on its return".
Later when he hears that Major Hamtramck has also destroyed four
villages and the Indians' provisions, he prophesies that there will
soon be a humble supplication for peace.⁶

St. Clair's outlook was much too sanguine. The Indians
could not be subdued by just going into their towns, burning their
houses, and corn, and returning the next day, for houses and corn
they could do without. "The blow was only severe enough to anger

1. The position of the traders at this critical time was a much
debated one. The Americans claimed that they encouraged the
Indians by purchasing their plunder and prisoners, the latter
being forced into indentures of a limited servitude for repay-
ment on disadvantageous terms. Canadian Archives Report 1890,
158, 164. The British, on the other hand, claimed that the trad-
ers were instrumental in freeing white prisoners, and that three
of those whose homes Harmar destroyed were men of unblemished
character who had recommended pacific measures to the Indians
and laid out £ 400 without hope of compensation in liberating
prisoners, Canadian Archives Report 1890, 166.

The British were also accused of issuing ammunition and pre-
sents to the savages just at the time of the Harmar expedition
but they denied knowledge of this, claiming that it could not be
done officially, Canada Arch. 1890, 167, 283.

2. For a full account of Harmar's expedition, see Denny's Military
Journal, pp. 349-355.

3. A court of inquiry which was established to inquire into this
loss, decided it was due to the equipment, ignorance and insub-
ordination of the militia and not to any defect in the General.
Burnet's Notes p. 104.

4. Smith W.H., St. Clair Paper, II., 188.

5. Ibid, II., 190

6. Ibid II., 196.

and unite them, not to cripple or crush them.^{1,2} Raids and depredations, almost identical with those of 1789-90, followed the expedition and attacks on the settlements became even more general³ than before.

It was now necessary that congress take further measures to protect the settlers, so a more extensive campaign than the last was determined on, for which 3,000 men were employed under the command of St.Clair himself. While this was preparing it was decided to order a "temporary expedition entirely of militia, to arouse⁴ the Indians and prevent further depredations."

Brigadier General Scott who had command of this "temporary expedition" was not allowed to march till another effort at pacification was made by sending Colonel Procter to the Miami Indians by way of Niagara where he was to solicit the aid of the Six Nations to effect a peace with the Miamies. His mission failed, however, for when Colonel Butler, the British commandant at Niagara, found he could not dissuade the Senecas from accompanying Proctor,

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1. St.Clair made a suggestion in connection with Harmar's expedition that would have been of value, had it been carried out, namely, that they establish a post in the Miami village to awe the Indians on the Wabash and to present a respectable position to the British at Detroit and Niagara. General Knox thought this inexpedient as it would be opposed to the Indians' inclinations, make the British uneasy and involve a larger military establishment than the United States could afford. St.Clair Papers, II., 181. In 1791 one of the chief objects of St.Clair's campaign was to establish such a post. Had it been built by Harmar, it is thought that the disaster of 1791 might have been avoided.
 2. Roosevelt, "Winning of the West, III., 310
 3. For accounts of these attacks see Burnet's Notes on the Early Settlement of the Northwestern Territory, p. 109 and American State Papers, Indians Affairs, I., 121-122.
 4. Smith, W.H., St.Clair Papers, II., 200

he refused to recognize the latter in his official character and prohibited the passage of the Indian deputies at Sandusky in any vessel on the lake.¹ Later another conference was held with the Six Nations by Colonel Pickering at Painted Post, some distance from the theater of war to prevent their joining in hostilities.

As no word came from Procter, General Scott marched in May 1791 for the Outatanon village with 750 men. His expedition was similar to Harmar's but more successful, for he not only burned several Indian villages but took 57 prisoners without any losses on his own part.² In one of the villages destroyed there were many French inhabitants, among whose possessions letters and papers were found showing a correspondence with the leading men of Detroit. The success of this expedition encouraged St. Clair to try another under Colonel Wilkinson, as he saw it would be a long time before the general campaign could be ready. Colonel Wilkinson's expedition was made against the Wabash villages in August. He also destroyed three villages, took 34 prisoners, and released a white captive found in one of the villages.³

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1. American State Papers, Indian Affairs, I., 148-149.
For the British correspondence in this event see Canadian Archives Report, 1890; pp. 289-290. Dorchester said that Procter's application for the hire of one of the king's vessels had the appearance of an insult, that he took it for granted that means had been taken to prevent his getting any vessel. Colonel Butler at Niagara claimed that Procter's speeches to the tribes were "so haughty and inflammatory that they could not be delivered to the Indians without great risk to himself and failure of his object.
 2. For a full report see American State Papers, Indian Affairs, I., 131, 132.
 3. A full report is given in St. Clair Papers, II., 233-238.

St.Clair had hoped to make his expedition a collateral one¹ with Colonel Wilkinson's but in this he was disappointed, for he was not ready to start till September. This delay was owing to the failure of the quarter master, Hodgden, and General Butler, the second in command,³ to arrive.⁴ The latter was detained at first by his orders from the war department to protect the frontiers with the troops under his command⁵ and, when directed by General Knox to hasten forward, he met with difficulties because of the lowness of the water and the lack of transportation boats. The former for some unaccountable reason did not come on from Fort Pitt where he had been since June. Nor were his preparations satisfactory,⁶ complaints being made of the quality of the equipments provided, and many of the necessities of the campaign having to be repaired or manufactured at Fort Washington. Gun carriages had to be remounted, axes, camp kettles, canteens, knapsacks, kegs, boxes, cordage, splints, and bells for the horses had to be made, in fact, "almost every art was going forward, and Fort Washington has as much the appearance of a large manufactory on the inside, as it had of a military post on the outside!"⁷ Much of the contractor's work had to be done by St.Clair himself,⁸ even to the purchase of the transportation horses.

President Washington was seriously disturbed at the delay of the expedition and repeated orders were sent both St.Clair and General Butler to hasten their departure.⁹ As the season was ad-

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1. The Ohio Archaeological and Historical Societies' Publications XI., 30 publishes St.Clair's Defeat by Frazer E.Wilson.
 2. Aitken J., St.Clair's Indian Campaign, pp.7-8.
 3. General Harmar refused to take part in this campaign as General Butler was appointed over him.
 4. Smith W.H., St.Clair's Papers, II., 240, 241.
 5. Ibid, II., 216
 6. Ibid, II., 223.
 7. Aitken J., St.Clair's Indian Campaign, pp.11-13
 8. Smith W.H., St.Clair Papers, II., 230,240.
 9. Ibid, II., 230,232.

vancing, he feared the campaign would fail of its object. This was in general to establish a line of forts from Fort Washington on the Ohio River straight north to what is now Fort Wayne, Indiana, where a strong fortification was to be built "for the purpose of awing and curbing the Indians of that quarter". After the establishment of the posts, if the Indians were still hostile, St.Clair might go on. Any modification of boundary was left to his discretion, with the single observation that peace was more valuable than a disputed¹ right to millions of uncultivated acres.

By the end of August there were assembled 2000 troops in all, with whom St.Clair marched to Ludlow's Station, six miles in advance, as the cattle needed fresh forage and the soldiers were drinking too heavily at Fort Washington. In about two weeks their actual march began, although some of the militia had not yet arrived, or, as one writer puts it "in one way or another the army got on its feet, and, though a cripple, it was able to hobble away from the Ohio on September 17th."²

The progress of this unfortunate army was exceedingly slow and laborious, seven or eight miles being the average day's march. The forts to be constructed occupied more time than had been expected, for instance fifteen days were spent in building Fort³ Hamilton though St.Clair had allowed but ten in his calculations. Fort Jefferson was finally the only post established, owing to the⁴ lateness of the season. Frequent halts were also made for supplies,

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1. American State Papers, Indian Affairs, I., 171-173.
 2. Hubert A.B., Ohio River, p. 177.
 3. Smith W.H., St.Clair Papers, II., 243.
 4. Ibid, II., 245.

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the provisions for their transportation proving so inadequate¹ that the army was kept on half and quarter rations much of the time. St.Clair sent back 280 or 290 horses from the quarter master's department to bring on a supply of flour but this of course crippled² the transportation of baggage.

Lack of provisions was but one of the troubles which assailed the expedition. General insubordination ruled, due in part to the lack of provisions and to the rain which fell constantly,³ and desertion was prevalent. On October 23rd three men were hanged, two for desertion and one for shooting a comrade. The term, for which the levies, who were more satisfactory than the militia, had been enlisted, began to expire and they were being discharged, a few at a time. This caused more confusion because, though their enlistment was for six months, it was not clearly specified whether the six months began with their enlistment or their assembling at the rendezvous. On October, 31st one third of the militia determined they would go back and the officers had little influence with them. Sixty or seventy actually marched off. As a convoy of supplies was on the road which the general feared they might seize, the first regiment, the most dependable of all the forces, was dispatched after them to protect the supplies and capture the

1. Late in October the quarter master was dispatched to get a precise account of the measures taken by the contractor to afford supplies at different points. "When you know exactly what the contractor can do," wrote St.Clair, "you will take measures so that on the 27th I may be able to move with 300 horse loads of flour, and that 150 horse loads succeed that every seven days." St.Clair Papers II., 248.

2. Smith, W.H., St.Clair Papers, II.? 246.

3. Even before leaving Fort H¹⁵ilton a sergeant with militia deserted. During the halt to build Fort Jefferson October 12-24, many others left the army.

deserters if possible. It was also difficult to get forage because of the lateness of the season, the first severe frost reported in Denny's Journal falling on October 21st, so that the army had to turn out to bring grass from the prairies.² By the 27th there was snow and hail. Moreover, the commandant who was expected to meet these troubles, St.Clair, was so ill as hardly to be able to keep up with the army.

Finally on November 3rd after a hard march through the cold on short rations the army arrived at a branch of the Wabash about evening, where they determined to await the return of the first regiment. Though they had seen fresh signs of savages during the day, riflemen who were detached after them returned without success, and so^{as} it was later than usual when they reached camp and the men were much fatigued, St.Clair did not have works of defense immediately erected but agreed with Major Ferguson in a plan to be put into operation the next morning. The high dry ground chosen for the camp was barely sufficient so the lines were rather contracted. In front ran the creek, about twenty yards wide, on both flanks and along most of the rear was low wet ground. The militia were stationed across the creek, about 300 yards in advance, further than could have been wished, Denny says, but no place short of it was suitable. During the night the frequent firing of the sentinels disturbed the camp. The guards reported that Indians were skulking about in considerable numbers, so about ten o'clock at night General Butler was desired to send out a party. Captain Slough with thirty two men was given particular verbal orders for this

1. Major Denny, Military Journal, p.366.

2. Ibid, pp. 361-364

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mission at General Butler's tent, the commander-in-chief being too ill to be about.

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The next morning the disaster befell, which was the culmination of the whole unhappy affair. A half hour before sunrise and just after the troops had been dismissed from parade the woods were filled with the yells and fire of the savages. The first attack was made on the militia who fell back into the main camp, throwing part of the regulars into disorder. Then the struggle became general, the Indians surrounding the camp and cutting off the guards. From tree to log, from log to stump, they crept in nearer under the smoke of the fire, quietly taking effective aim while the artillery of the troops boomed away without doing much damage. Bayonet charges by the different lines drove the enemy back, but for want of enough men to maintain the advantage gained, they soon recovered their ground. Finally the artillery was captured, but not till all the officers but one were killed and the guns spiked. The ground was soon covered with the dead and the wounded were carried to the center, where many of the unhurt crowded. Most of the officers ³ had fallen owing to their exposure in rallying the troops, and the panic stricken soldiers crowded to the center where

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1. Denny's Military Journal, pp.367-369.
 2. For accounts of this battle see St.Clair Papers, II., 263-261. Denny's Military Journal, pp.368-376; the Ohio Arch. and Hist. Soc. Pub.X., 378, the report of Thos.Irwin, a wagoner in the army, American Pioneer II., 148-153, report by Benjamin Van Cleave who was in the quarter master General's service at the time
 3. In all the Indian campaign of this period there was an unproportional loss of the officers, who were obliged to expose themselves because of the lack of discipline and drill in the militia employed. A rather naive explanation is given by Major Samuel S.Forman at the time of Harmar's defeat, "At that period officers wore three-cornered hats, and by that means nearly all of them were singled out and killed, as they could be so easily distinguished from others". A Journey down the Ohio and Mississippi in 1789-1790.

when they were under the cross fire of the enemy, who contracted their lines as the troops deserted theirs.

By nine o'clock it was apparent that a retreat must be executed at once if at all, so a successful charge was made on the enemy and the road gained. The militia led, followed by the federal troops, Major Clark with his battalion covering the rear. General St. Clair waited until the rear was under way, one of the few remaining pack horses having been procured for him.¹ The retreat soon became a flight, the men throwing away their arms long after pursuit had ceased. The Indians, however, followed only four or five miles when they returned to share the booty. Denny, who was sent forward to check the front until the rear came up, tells us it took him two hours to reach the front and then it was difficult to cause a halt,² such was the panic. The flight was continued to Fort Jefferson, twenty seven miles from the battle ground, where they arrived about dark. At Fort Jefferson they found the first regiment. Returning from their mission of October 31st, they heard the firing, when thirty miles from the battle field. They had marched on nine miles in haste, when they met some of the militia who informed them that the army was totally destroyed, whereupon they returned to Fort Jefferson (eight miles) hoping to secure that post anyway.³

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1. He had taken an active part in the battle on foot. It is said that eight bullets went through his clothing, and one nipped off a lock of his hair.
 2. Denny's Military Journal, p. 572.
 3. Some attributed the disaster to the absence of this regiment but St. Clair thought that on the whole it was best as it was, as the superior numbers of the enemy would have caused defeat anyway, which would only have been greater, had this regiment been present. Major Hamtranick was afterwards charged and tried for cowardice in not advancing to the attack.
St. Clair Papers, II., 265.

The first regiment had failed to bring up the supplies so the remnant of the army who had not eaten for twenty four hours found themselves at Fort Jefferson without supplies. Accordingly a council of the officers decided that, as they knew provisions were¹ on the road, they had better return and meet them. So at ten o'clock at night the first regiment and all the levies able to march were put in motion. The next day they met the convoy. They continued to Fort Washington where they arrived November 8th, all the wounded that could follow from Fort Jefferson in ten days.

The expectations of this campaign cannot be realized till one sees the chagrin and anger its failure brought. St.Clair's dispatches which were sent by Lieutenant Denny did not reach Philadelphia until late on the 19th, owing to the river's being swollen and covered with ice. Washington was at dinner when he received the news and managed to contain himself till his guests were gone when he burst forth in a fit of rage against St.Clair, exclaiming "To suffer that army to be cut to pieces, hacked, butchered, tomahawked by a surprise- the very thing I guarded him against - O God! O God! he's worse than a murderer! How can he answer it to his country! The blood of the slain is upon him- the curse of widows and orphans - the curse of heaven!"² Later when he had a little recovered himself, the president said that St.Clair should have justice, he would listen to him unprejudiced and this he did. Madison wrote a³ friend at the time that he could "administer no balm to the wound".

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1. St.Clair Papers, II., 265-66.
 2. Irving's Washington, V., 142-144.
 3. Hunt's Writings of James Madison, VI., 69.

The public were exceedingly roused and the question arose as to who or what was responsible for the disaster. St.Clair in his report said he had nothing to lay to the charge of the troops but want of discipline which it was impossible for them to acquire in their short service; this rendered it difficult to bring them to order when once they were thrown into confusion. He himself was too ill to mount his horse but still had made every exertion. They were overpowered by superior numbers.¹ The postscript of this letter caused considerable comment. In it St.Clair said some important orders given to Colonel Oldham over night were not executed and² "some very material intelligence was communicated by Captain Slough to General Butler in the course of the night before the action, which was never imparted to me, nor did I hear of it until after my arrival here."³ This last reference, as explained in a later letter, related to Captain Slough's errand the night preceding the engagement. Finding Indians approaching in great numbers, he reported to General Butler and proposed to give the same report to General St.Clair, but General Butler told him to rest and he

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1. There was some difference of opinion on this point- General Knox stated that it was pretty well ascertained via Detroit that 2500 Indians were opposed. St.Clair Papers, II., 276. Certain people gathered from the Cherokees that there were more Indians than whites concerned. Ibid, II., 302. General Armstrong, an authority on Indian warfare, thought that 500 Indians were enough to do all the mischief. Ibid, II., 277' 1000 or 1500 is probably a conservative figure, and the government property lost is put at more than \$34,000.
 2. An order was given Colonel Oldham to send out four or five parties at least an hour before day to make discoveries, which was never carried out. St.Clair Papers, II., 277.
 3. Smith W.H., St.Clair Papers, II., 266.

inform St.Clair, which he did not do.¹

St.Clair was very greatly censured for the defeat. In December 1791 he went on to Philadelphia, though still ill, and early the next year asked the president to institute an inquiry into his conduct that he might be rectified in public opinion.² This request could not be complied with because there were not enough officers in the service of competent rank to form such a court, but the House of Representatives did after some debate appoint a committee to inquire into the causes of the failure of the campaign.² St.Clair was anxious to keep his commission till the inquiry was over, so that if any misconduct on his part appeared he might be amenable to court martial, and because he felt it might be said that he chose to shelter himself in a private station.³ The establishment of the troops, however, allowed but one Major General and public interests required that his successor be appointed at once, so St.Clair resigned.

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The unanimous report of the committee to inquire into the failures of the campaign stated these three causes: first, delay in furnishing the materials and passing the act for the protection of the frontiers, the time after this being hardly sufficient to complete and discipline an army for such an expedition; secondly, delays

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1. This postscript caused Major Edmund Butler to come warmly to the defense of his brother's memory, claiming that General Butler knew nothing of this mission and any report made to him would be unofficial. St.Clair Papers, II., 280. St.Clair vigorously denied this, stating that he had no wish to injure the reputation of General Butler, but as it was his duty to make his communication, he did it as delicately as he could by putting it in a postscript and leaving Slough to give the details. St.Clair Papers II., 281.
 2. Smith W.H., St.Clair Papers, II., 282.
 3. Ford's Writings of Washington, VII., 36.
 4. Ibid, II., 299.

because of mismanagements in the quarter master's and contractor's departments; thirdly, want of discipline and experience in the troops. They cleared St.Clair of all blame, alleging that he "showed peculiar ability and zeal in arrangements, coolness and intrepidity in action."¹

Other reasons have been assigned for St.Clair's failure besides the negligence of the war department. General Harmar before the army set out prophesied its defeat from his experience.² The bulk of the army he saw was composed of men collected from the streets and the prisons of the cities and the officers were unacquainted with their business; but what kind of men could be procured³ when the wages of the private were only three dollars a month? More might have been done to get knowledge of the enemy. Some few scouts were sent out but to no great distance. A scouting party which left the camp October 28th under Colonel Sparks, composed of friendly Indians, missed the enemy altogether, joining the army the morning after the defeat. Then, too, the absence of the first⁴ regiment considerably weakened the army; by it and desertions and discharges the force was reduced the day of action to 1400.⁵

Reynolds takes the ground that there was a want of military talents in the general, who was old and sick. "To be surprised by Indians," he says, "is an argument against the sagacity of the general."⁶ The British opinion was also that St.Clair was not a man of much

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1. The quarter master and the secretary of war asked for a reconsideration of this report and sent in communications but the supplemental report of the committee reaffirmed the original one in all essentials points. The affair caused much commotion at the time.
 2. Denny's Military Journal, p.374.
 3. American State Papers, Indian Affairs, I., 103.
 4. Denny's Military Journal, p.375.
 5. St.Clair's defense of this and other points is given in Aitken J., St.Clair's Indian Campaign, pp. 4,5,27,28,37, 104.
 6. Reynolds John, The Pioneer History of Illinois, p.164.

capacity.¹ Certainly he did not understand Indian warfare,⁴⁹ and was criticised for clinging to the military rule and placing too much confidence in his artillery which formed part of the lines and had the tendency to render the troops stationary. Not only were the main troops massed but the militia, the weakest part of the army, was sent by itself across the creek where two or three pickets would have been sufficient.² There was no lack of bravery exhibited on November 4th, 1791 but it was misdirected and thus occurred that great disaster so often paralleled with Braddock's defeat.

Although St.Clair was no longer commander-in-chief of the north western army, he was still superintendent of Indian affairs in the Northwest, a fact of which it was necessary to remind the military officers and deputies, as they often overlooked him.³ Some minor matters did, however, come under his attention, as arranging for militia at the settlements,⁴ checking the frontiers people from attacking the Indians while Wayne's treaty was pending,⁵ and arranging for the distribution of the Indian goods and presents.⁶

The main attention of the war department and of the country in general was centered on the preparations for a new Indian campaign. St.Clair's defeat had thrown the westerners into great apprehension of Indian invasions,⁷ and steps were taken at once to guard the frontiers. In April 1792 Anthony Wayne⁸ was appointed

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- 1 Canadian Archives Report, 1890, p.159.
 2. Smith W.H., St.Clair Papers, II., 276, General Armstrong to the President.
 3. American State Papers, Indian Affairs, I., 231, 645.
 4. Smith W.H., St.Clair Papers, II., 337.
 5. Ibid, II., 386.
 6. Ibid, II., 462-463.
 7. American State Papers, Indian Affairs, I., 215-225
 8. Anthony Wayne of Pennsylvania was a distinguished revolutionary officer, courageous, cautious and energetic, at this time forty seven years in age. In his appointment Washington was influenced considerably by military etiquette and the necessity of harmonizing interests, and it went through the senate "rather against the bristles"- Hunt's Madison's Writings, I., 553.

St. Clair's successor¹ as head of the army and proceeded to organize and discipline his troops at Pittsburgh during the winter of 1792-93

Both before and after Wayne's appointment² efforts were again attempted to gain the Indians by pacific measures. To guard against surprise, means were taken to learn the purpose of a great council called on Buffalo Creek, and to ascertain the intentions of the tribes on the Wabash and the Miami. This was done partly through the agency of Reverend Samuel Kirkland, the Iroquois missionary, and partly through Captain Peter Pond and William Stedman, who could, however, get no farther than Niagara.³ Cornplanter, the Seneca leader, had been invited to Philadelphia and through Mr. Kirkland this invitation was pressed and one also extended to Brant.⁴ Messages were even sent them by General Knox himself.⁵ In March about fifty of the Five Nations arrived in Philadelphia, who were desired to bring about a peace with the hostile tribes and departed to carry these directions into execution. Besides abundant presents, \$1500 annually were stipulated to these Indians for the purpose of attempting to civilize them. Five individual messengers were dispatched to the different tribes;⁶ it was hoped thus to bring about a truce, while

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1. In taking the command, Wayne stipulated that his campaign should not begin until his legion was complete and his troops disciplined.
 2. Reynolds speaks of the unreasonableness of the government's trying these peace measures for two long years under the conditions Pioneer History of Illinois, p.165.
 3. For instructions to Peter Pond and William Stedman see American State Papers, Indian Affairs, I., 227.
 4. American State Papers, Indian Affairs, I., 226.
 5. Ibid, I., 228
 6. Ibid, I., 230-236.

two chiefs from each tribe should go to Philadelphia and conclude a permanent treaty. General Putnam was, however, the only messenger to reach his goal. He did form a treaty with several of the western tribes which was never ratified by the senate. All other propositions for peace were rejected for one reason or another. Even Brant who had been finally persuaded to come on to Philadelphia and was treated with great distinction, from sickness or caution did not attend the western council as had been expected.

The council held at the mouth of the Anglaize through the efforts of the Six Nations did not produce the intended effect. Everything was referred to another council to be held in the spring. In November, soon after this meeting, Major Adair, commander of the mounted Kentucky infantry was attacked twenty miles north of Fort Hamilton, and only with great bravery repulsed the savages. This, however, did not prevent the United States from meeting the Indians in the spring. Lincoln, Randolph and Pickering were in 1793¹ appointed to the meeting to be held at Sandusky. After three months of tedious negotiations the commission failed. The Indians still insisted on the Ohio as the boundary, even though the commissioners agreed not to claim all the land south of the lakes by the 1783² treaty, but only the right of preemption to it.

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This of necessity closed the attempts of the United States

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1. For their instructions see American State Papers, Indian Affairs, I., 340-342. They were given \$50,000 worth of presents with authority to contribute annually \$10,000, besides \$2,000 to the head chiefs as a compensation for their accepting the Fort Harmar Treaty.
 2. Massachusetts Historical Collections, 3rd series, V., 190-6, General Lincoln's Journal. American State Papers, Indian Affairs I., 342-361; Journal of Commissioners.
 3. Kingsford in his History of Canada, VII., 371 says that Governor Simcoe regarded the meeting only as a ceremonial preliminary to war.

to make peace. What led the Indians to stake their all in a contest when liberal terms were offered were, first, their previous success; secondly, their hope of aid from England; and thirdly, a hope of aid from Spain at length. Just at this time Great Britain had come to fresh trouble with the United States. In trying to cut off the commerce of revolutionary France, she had passed orders injurious to that of the United States which had caused considerable irritation in the latter country. Now it was also claimed that the Indians would have entered into a treaty with the United States commissioners had not the English deputies by inducements of farther assistance encouraged them to insist on the Ohio as a boundary.¹ A strong assurance of this aid was given the tribes in the erection of a fort at the rapids of the Maumee within the acknowledged territory of the United States. The British explanation of this encroachment was that, although the Maumee was not included in Canada, yet the country extending to the Ohio was the domain of the Indians and until transferred to the United States by treaty could not be regarded as a portion of their territory.²

Notice of the end of negotiations was at once sent Wayne at his camp, "Hobson's Choice", where he was struggling with volunteers, sickness and desertion. On October 7th, 1773 he began his march and fortified Fort Greenville where he remained that winter. In December a detachment went forward and built Fort Recovery on St. Clair's battlefield. Here an assault was made on the

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1. Stone's Life of Joseph Brant, II., 358.
 2. Kingsford William, History of Canada, VII., 394.
 3. Ohio Arch. and Hist. Soc. Pub., IX., 214. Anthony Wayne and "Fallen Tumbers"- by Judge Samuel F. Hunt. Wayne's campaign, though more important than that of St. Clair, is not so extensively described in this paper which deals primarily with the latter general.

the following June by Little Turtle with 1500 warriors and although repelled, the assailants rallied and returning to the charge kept up the attack the whole of that day and part of the next. Evidence¹ of British assistance in this assault was not lacking.

In August the army moved on to the junction of the Auglaize and Maumee where Fort Defiance was constructed. From this point Christopher Miller, who had been captured by Wayne's spies, was sent forward to the Indians as a special messenger of peace.² The army, following Miller, met him on his return and received his answer that if they would wait ten days the Indians would decide on peace or war. Wayne, who, unlike St. Clair, knew the strength and plans of his enemy, marched on without delay.

About forty one miles from Grand Glaize he halted and established a magazine for supplies and baggage, called Fort Deposit. Then on August 20th he moved down the north bank of the Maumee and encountered the Indians in the battle of Fallen Timbers,³ beneath the guns of Fort Miami. The victory was complete. General Wayne closely examined the British fort and it was the opinion of those with him that he sought to provoke the British commandant to some hostile step which would justify him in attacking it.⁴ A very sharp correspondence passed between him and Major Campbell, the Commander. The object of the campaign being accomplished, the troops returned to Fort Greenville in the fall.

The Indians of the Northwest had finally been subdued and

1. American State Papers, Indian Affairs, I., 487-488.

2. Ibid, I., 490.

McKee took oath that Miller told the Indians that the designs of the army were against the English. See Canadian Arch. Report 1891, 77.

3. Account in American State Papers, Indian Affairs, I., 491.

4. Burnet Jacob, Notes on the Early Settlement of the Northwestern Territory, p. 176.

during the following winter and spring they began to come in to make peace. The British made one more effort to prevent it by inviting the Indians to a treaty October 1, 1794. Here Simcoe advised them to make only a truce till a general council could be called in the spring. Meantime they could convey their lands to the king in trust that he might have a pretext for assisting them.¹ Yet notwithstanding, the warriors were divided for peace and war. They had been disappointed in the conduct of their white allies, and their fields laid waste by Wayne, while at the same time their respect for the United States had increased.

By the middle of June, enough tribes were represented so that negotiations began which ended August 10th, 1795 in the treaty of Greenville,² at which 1130 Sachems and warriors were present. By it the Indians ceded to the United States about 25,000 square miles of territory, besides sixteen separate tracts, including lands and forts. In return they received goods to the value of \$20,000 and were promised an annual allowance of \$9,500 to be equally divided among the parties to the treaty. Thus the United States vindicated its former disasters and peace was again restored which was strengthened through the surrender of the posts by the British the next year, and so the tide of immigration again turned to the Northwest.

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1. The English claimed that they often tried to make peace between the two parties, Kingsford's History of Canada, VII., 294, 343, but the only terms which they would advise the Indians to accept were that they should keep the territory between the Ohio and the Great Lakes, thus securing to the English their fur trade. Canadian Arch. Report, 1890, 173.
 2. For this treaty and the minutes of the council see American State Papers, Indian Affairs, I., 562-583. Ohio Arch. and Hist. Soc. Pub., XII., 128. The Treaty of Greenville by Frazer W. Wilson.

C H A P T E R I V .

LAND CLAIMS IN THE NORTHWEST.

Even during the Indian troubles some land purchases and settlements were made in the Northwest. In 1787 the 265,878 square miles which comprise the states of Ohio, Indiana, Illinois, Michigan and Wisconsin were for the great part an unbroken wilderness; while in 1800, two years before St. Clair's duties as governor ceased, the census reported 51,006 people in the Northwest. Though for a time the Indian wars delayed settlement, the navigable rivers, fertile soil and natural resources of the country soon made it the home of a progressive people.

The land policy here was destined to differ essentially from that in the Southwest, as was evidenced in the congressional discussion in the ordinance of 1787, the northern members preferring to have the territory systematically surveyed and sold in townships, while the southerners favored indiscriminate locations, such as had been made by the pioneers of Kentucky and Tennessee. The former method eventually prevailed and the plan finally adopted was that congress should provide for a systematic survey of the region. The country was to be divided into ranges of townships six miles square, subdivided into lots one mile square each. The basis for public education was also laid in providing that in every township lot No. 16 should be reserved for the maintenance of the public schools therein.

1. Journals of Congress, X., 118.

There were several reasons why the adoption of this system seemed advantageous. If these lands were to be made a basis of revenue, which was the primary motive for selling them, the southwestern method would not do, for no great income was received from the lands there where the Virginia plan required the payment of only two cents an acre before locating a tract. Then too this system would effect a "compact and progressive settlement" of the country, which Washington early saw was necessary to give strength to the union and admit of good government.¹ The southern plan he feared would involve uncertainty of titles and give the practical monopoly of the choicest lands to the few who could buy large quantities. Thus the army would be deprived of the cream of the land and the speculators and monopolizers might also bring on added hostilities with the Indians.²

The system adopted promised well but in practice it gave as much chance for speculation and boundary difficulties as had been apprehended from the other. It resulted in the sale of lands in large tracts to first purchasers who might resell them as they desired to smaller settlers. The first sale, the Cutler and Sargent contract, provided for a million acre purchase, as we have seen.³ This plan was adopted by a resolution of Congress in October 1787 which provided that the board of treasury should be empowered to enter into contracts for not less than 1,000,000 acres on the same terms as the Cutler and Sargent purchase.⁴ So it was

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1. Ford, Writings of Washington, X., 407, 446.
 2. Ibid, X., 303- 308.
 3. Smith W.H., St.Clair Papers, II., 618.
 4. Journals of Congress, XIII., 142. No vote on this question is recorded, but as the motion to postpone it was lost and later practice was in accord with its terms, it seems probable that it was passed.

that half of the Ohio came to be made up of large blocks of land.

In 1800 St.Clair brought this fact to the notice of the territorial legislature. "The lands in this country have^{been} generally held, at first, by a few individuals in large quantities and sold out by them in parcels on credit; hence it happens that, in some counties, the greatest part of the people are their debtors, and in the existing scarcity of money, were the payment of those debts to be rigorously exacted, they would be exceedingly distressed. "He went on to suggest that election by ballot would be better than the viva voca method, for the debtors might be influenced in their vote by those whom they owed."¹ St.Clair had never favored the sale in large tracts and often suggested to the government that a mode of sale similar to that of Pennsylvania be adopted which would be easier to carry into execution and would prevent complications. But it remained for Harrison to actually effect this measure during his term in congress, when it was voted that these tracts for sale might be reduced to even 320 acres.²

It is noticeable that not one of these large contracts was ever carried out according to the original agreement. Even the Ohio company was unable to make its second payment³ and had to petition congress for easier terms.⁴ Congress resolved that a title should be given for those lands already paid for; it also granted 214,285 acres on delivery of the army rights they were to pay, and 100,000 acres which the company had appropriated for bounties and agreed that title be granted for the rest of the 1,500,000 acres on their paying⁵ not exceeding twenty-five cents per acre within six years.

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1. Smith W.H., St.Clair Papers, II., 505.
 2. House Journals, 5th and 6th congress, p. 601.
 3. The first payment of \$500,000 in securities had been made when the contract was signed.
 4. House Journals, 1st and 2nd congress, p. 525.
 5. Ibid, p. 550. This was amended to its final form in the senate.

The early colony of the Ohio Company, however, flourished, fully justifying its early promise. When Michaux visited Marietta in his travels in 1802, it boasted more than 200 houses, some of which were brick. The ship building industry contributed considerably to its growth. The first ocean vessel in the Ohio was the "St. Clair", a¹ brig built at Marietta, to carry a cargo to Havanna.

Closely connected with the Ohio Company was the Scioto Company, the most disastrous of all the speculations in the Northwest. Its history in brief is as follows:- After Cutler and Sargent had completed their additional purchase for Duer and his associates,² the land was divided into thirty shares and arrangements made for the sale of its right of pre-emption, which was all the company had. It was intended to make these sales in Holland and France where large amounts of almost worthless United States securities were held. The holders would probably exchange them for land and with them the Scioto associates could in turn pay congress. Since congress would accept the certificates at par and the Scioto associates secured them at greatly depreciated value, the latter could soon pay³ for their lands and all sums after that would be clear gain.

As things turned out,⁴ Joel Barlow, the agent sent to France, did not prove a good business man, and after some months of discouragement became entangled with an Englishman, William Playfair.

1. Hulbert A.B., The Ohio River, p. 241.
2. For an account of this see Chapter II.
3. Belote, Theodore, The Scioto Speculations and the French Settlement at Gallipolis, p. 20.
4. Joel Barlow, then thirty three years old, had achieved distinction in the pulpit and in literature, and had commenced the practice of law in Hartford, Connecticut. His poem "The Vision of Columbus" was just published. He later became United States consul at Algiers and was the United States minister to France in the days of Napoleon.

A new company was formed in France who were to take the whole tract at once and assume the obligations so that a valid title would be forthcoming. It was just at the time of the French Revolution when America looked attractive to many and a Prospectus was published by the Scioto Company which painted it a paradise. The French hastened to buy the lands, not dreaming they were buying only a mere pre-emption right to wild lands infested with savages. By 1790 people began to doubt, the sales ceased, the company was dissolved, Play-fair making way with the funds received. Later a new French Company was formed but this too fell through and the only trace of the whole proceeding was a forlorn little colony in the Northwest,¹ Gallipolis.

Many of the French who had been acquainted with St.Clair during the American Revolution wrote to him for assistance for themselves and their friends who were coming over.² St.Clair himself thought that protection would be necessary against the savages and to support the civil authority. He did not look very hopefully on the colony, writing that he feared "that much disappointment, and chagrin will attend this project, and that an interested speculation of a few men, pursued with too great avidity, will reflect some disgrace on the American character, while it involves numbers in absolute ruin in a foreign land."³

The settlers met nothing but discouragement and hardship. After their crossing in the disagreeable packets of the time, delay and discomfort attended their trip west. On their arrival, instead

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1. 'See Ohio Arch. and Hist. Soc. Pub., IV., The Beginning of the Ohio Company and the Scioto Purchase by Major E.C.Dawes.
 2. Smith W.H., St.Clair Papers, II., 152, 153
 3. Ibid, II., 195.

of the beautiful country promised by the prospectus, they found two rows of log cabins which had been put up by Putnam's men. The ground behind was low and unhealthy, in fact, Collot writes that the town was situated on a platform covered with stagnant waters so it was extremely unhealthy and the land was light¹ and sandy. Their provisions did not hold out, and the efforts of the Frenchmen to clear the land were ludicrous. "Their former employments had only been calculated to administer to the luxury of high polished and wealthy societies. There were carvers and guilders to the King, coach makers, friseurs, and peruke makers, and a variety of others who might have found employment in our larger towns, but who were entirely out of place in the wilds of Ohio."² For a while the Indians with their customary attachment to the French remained friendly but after some of the latter had joined in St. Clair's expedition of 1791 they turned against them.

Many efforts were made to right the wrongs of these poor people who had no legal claims to the lands they were cultivating. March 3, 1795 Congress, in response to a petition, granted the French settlers over eighteen years of age who would be in Gallipolis on November 1st of that year, 24,000 acres of land in what is now Scioto County, Ohio. In the spring of 1796 the settlers drew lots for their portions, but as only a few had the courage to start out again and move, the greater part was bought up by settlers from eastern states at nominal prices. In December 1795 the French settlers petitioned the Ohio Company for the site of Gallipolis, which Barlow, through a mistake, as the survey was not made till the

1. Collot Victor, A Journey in North America, p. 80

2. Brackenridge H.M., Recollections of Persons and Places in the West.

fall of 1789, had thought belonged to the Scioto Company. Their petition was based on two grounds, first, because both purchases were originally made by the Ohio Company agents, and secondly, because no objection was made at the time of the settlement of Gallipolis. This last fact is accounted for by the proposal under consideration at the time of Duer's purchasing this tract from the Ohio Company, a sale which was not carried out through failure to make payments. The Ohio Company refused the petition but consented to sell lands including Gallipolis for \$1.25 an acre, so the French could have their land by paying for it twice; they were, however, also invited to share in the Donation Tract of the Ohio Company on the Muskingum.¹

Thus the French did not come out so badly in the end, but the city never flourished until the American settlers obscured the French element. When their fellow countryman, Collot, visited Gallipolis about 1796 it was a dirty place, "the abode of wretchedness",² inhabited by 90 or 95 men and 40 or 45 women. Another French traveller, Michaux, in 1802 found Gallipolis to consist of about thirty log houses, most of which were uninhabited and falling in ruins and the rest occupied by Frenchmen who breathed out a miserable existence. He says of their failure, "Though they did not succeed better, it is not that the French are less persevering and industrious than the Americans and Germans, it is that among those who departed for Scioto not a tenth part were fit for the

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1. For a further account see Ohio Arch. and Hist. Soc. Pub., III., 45, French Settlement and Settlers of Gallipolis by John L. Vance
 2. Collot Victor, A Journey in North America, p. 80. It is interesting to note that he throws the responsibility of the catastrophe on the Frenchmen who left France to establish this colony without using the least precaution. p. 72.

for the toils they were destined to endure.

Another large land purchase was that of Judge Symmes of New Jersey who petitioned congress in behalf of citizens "westward of Connecticut" in August 1787 for 1,000,000 acres on the north bank of the Ohio between the two Miami Rivers.² In this tract three colonies were planted in 1788; that consisting of eighteen or twenty under Major Stites who laid out Columbia at the mouth of the Little Miami; that under Denman and Patterson at the mouth of the Licking, called Losantexville, a name which was changed to Cincinnati by St.Clair;³ and lastly the colony under Judge Symmes himself, which was called North Bend, as it was located at the farthest northern sweep of the Ohio west of the Kanawha.⁴

In spite of their common object and common danger, great rivalry grew up among Cincinnati, Columbia and North Bend for the leadership. At first Columbia was the most flourishing but the garrison having been established at Cincinnati which was also chosen the county seat for Hamilton County, it had the advantage.⁵ In five years the population of Cincinnati grew to 3,000 families, a sudden increase which was chiefly due to the establishment of General Wayne's army there.⁶ During their early days these settlements suffered considerably from Indian depredations. Symmes complained that his colonies were left without military protection, while the colony at Marietta had more than her share, yet in spite of difficulties these⁷

1. Thwaites R.G., Early Western Travels, pp. 184, 185.

2. Journals of Congress, XII., 150

3. St.Clair was an active member of the Cincinnati Society, and the first president of the society for Pennsylvania. Burnet claims this was the original name given the town by its founders.

4. Burnet J., Notes on the Early Settlement of the Northwest Territory, pp. 46-51.

5. Ibid, p. 53.

6. Collot Victor, A Journey in North America. p. 132.

7. Burnet J., Notes on the Early Settlement of the Northwest Territory, p. 59.

colonies in time came to take the lead in population and enterprise.

The Symmes purchase was also the cause of difficulty for a number of years. The contract required the payment of the purchase money to be complete within three years after the boundary line had been surveyed. In 1792 when it came due, only the first and part of the second instalment was paid, so Symmes petitioned congress, stating that from the advanced price of the certificates the strict fulfillment of the contract was impossible and asked that he be given as much land as he had already paid for and terms as favorable as the Ohio Company's. Symmes had, moreover, sold lands which fell outside those of his purchase, so changes were made in the boundaries of the original tract to include these.¹

Meanwhile St.Clair, finding Symmes and a number of his purchasers settled far to the eastward of this twenty miles, had unsuspectingly clothed many of them with civil and military authority. Accidentally through Ludlow's instructions for the survey he discovered the mistake. He at once wrote Judge Symmes and at the same time published a proclamation warning all persons against further intrusions, though he allowed the present settlers to remain until he heard from congress. This course led to ^{the} hostility of Symmes to St.Clair in later years and also to the anger of Judge Turner who was one of the settlers and whom St.Clair requested to leave, thinking that as a federal judge he should set an example.²

In June 1793 Symmes declared he was ready to alter the contract according to the terms agreed on in 1792 and quitted claim to

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1. The original contract extended up the Ohio River only twenty miles from the mouth of the Miami.
 2. Smith W.H., St.Clair Papers, II., 209.

all other lands, though a second contract was to be given him if it could be paid for in six months. The president assented to the alteration September 1794, so that 311,682 acres belonged to Symmes. After 1794 he made no more payments for lands not included in his patent; and, although he had assented to the alteration, insisted that he had never relinquished his claim to the original quantity of 1,000,000 acres and was not bound to make further payments until a survey containing that quantity had been made by the United States. As the contract of 1788 had never been formally cancelled, Symmes thought that on making future payments, he was to be entitled to future grants, so he continued to sell beyond the limits of his patent as before. The people who bought these lands of Symmes were put in a hard place. When in 1798 they petitioned St.Clair for the right to vote, they were refused suffrage because it was limited to those who held lands either by freehold or in fee simple, while they only held from Judge Symmes who had neither of these titles.

Finally congress in March 1799, considering the Symmes claim forfeited because of failure of payment, passed a law giving the right of pre-emption at \$2 per acre to those who had before April 1797 made contracts with Symmes for lands between the two Miamis, not included within his patent, provided they would give notice of their intention before September 1799. Few took advantage of this; some saying they had paid Symmes for the land and were unable to purchase it again from the United States and others that the increase in the price of land in that part of the country was due to their improve-

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1. American State Papers, Public Lands, I., 76
 2. Smith W.H., St.Clair Papers, II., 436.

ments and settlements. "Some", St. Clair said, "talk plainly of holding their possessions by force of arms, and it has been hinted to me that they are stimulated to it by the judge," a thrust which St. Clair no doubt was glad to give his enemy.¹ These people, estimated at about 2,000 in 1799, sent in petitions to congress which St. Clair forwarded, though not by the representative of the territory, William Henry Harrison, who was the son-in-law of Symmes. In the latter's election St. Clair thought he saw an effort on Symmes' part to secure support through congress,² perhaps because he defeated St. Clair's own son. Congress in response to the petition continued to indulge these unfortunate settlers from year to year until they were able to complete their payments.

A second difficulty arose in the Symmes purchase over the college township. The patent of 1794 stated: "It is declared that one complete township or tract of land, of six miles square, to be located with the approbation of the Governor..... within the term of five years as nearly as may be in the center of the tract of land herein before granted..... shall be holden in trust, to and for the sole and exclusive intent and purpose of erecting and establishing therein an academy and other public schools and seminaries of learning, etc." At the request of the inhabitants St. Clair (1799) spoke to Symmes about this township. The latter replied that he had designed a township for that purpose but had met with so many delays before the granting of a township for an academy was agreed to that he had sold it. One whole township alone

1. Smith W.H., St. Clair Papers, II., 445.

2. Ibid, II., 413.

in the tract remained which he would resign for this purpose. The governor, however, learning that a lawsuit was actually pending between Symmes and a Mr. Boudinot for the recovery of half of it sold to the latter and that it was besides of very poor quality¹ rejected it, as was within his rights.

In October 1799 St.Clair presented the case to the territorial legislature who also refused the grant, instructing their successive delegates to congress to try to induce the government to grant them a township in lieu of the one lost. This the governor thought a ridiculous proposition. His own idea, strengthened possibly by his hostility for Symmes, would have been to compel the latter to pay them the value of the township.² Year after year this question came up but nothing was done until 1802-3 when a state government was established and a law passed, vesting in the legislature of Ohio a quantity of land equal to an entire township for establishing a college or academy in place of the one granted Symmes for this purpose.

Just between the Symmes purchase and the Scioto River were the Virginia Military Lands. According to the Virginia cession of 1784, if the lands reserved south east of the Ohio for the Virginia troops should prove insufficient, the deficiency was to be made up in government lands between the Scioto and Little Miami. An Act of Congress 1788 decided that the deficiency must be ascertained and³ stated before locations were made here or they would be invalid. Such a statement having been made, boundary lines were run in 1796, including all the land between the Little Miami and the Scioto Rivers

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1. Smith W.H., St.Clair Papers, II., 443.
 2. Ibid, II., 481
 3. Journals of Congress, XIII., 53.

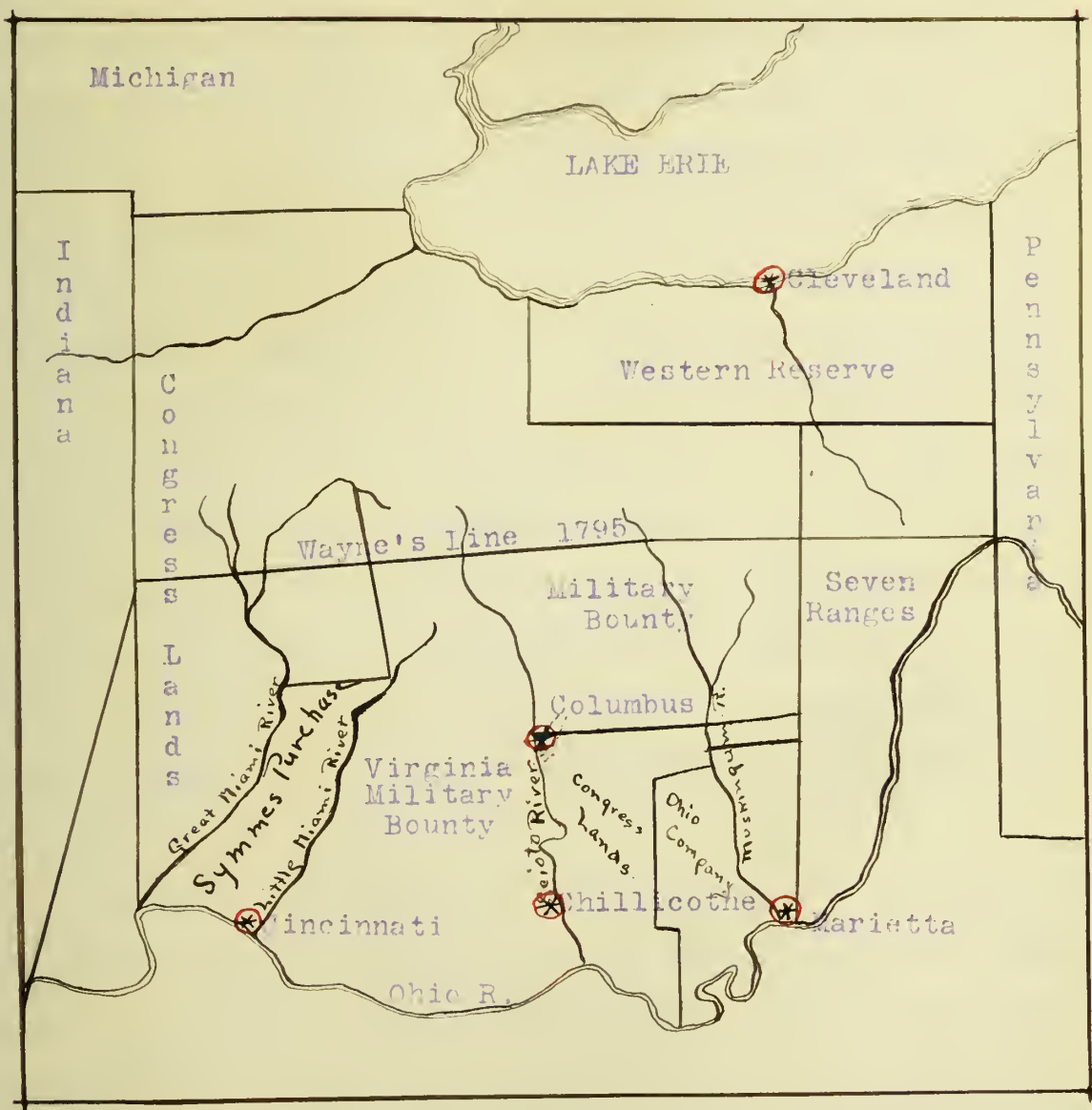
The same year General Massie and Duncan McArthur, later governor of Ohio, laid out the town of Chillicothe in this territory, which in six years grew to be a settlement of 150 houses, and the proud possessor of a weekly newspaper.¹

A second tract of military lands in the Northwest^{was} set aside for the continental army in accordance with the early resolutions of congress. It lay just south of Wayne's line of 1795 between the Scioto and the Seven Ranges. These bounty lands of 1,851,800 acres as well as the 4,209,800 acres of the Virginia Military District originally belonged to a large number of persons but they too through the sale and purchase of rights tended to work into the hands of large holders.

The fever for land speculation was in the air during these years of the early settlement of the Northwest and some petitions were made for large tracts of land which never went farther than a contract. One of these was made in October 1787 by a certain Flint and Parker for themselves and associates. They desired two tracts, a two million acre one on the north bank of the Ohio, extending both east and west of the Wabash; and a one million acre tract on the east² of the Mississippi River including the lower part of the Illinois. For some reason this scheme seems to have dropped before it was carried into execution.

Another petition was made by Colonel George Morgan as secretary of the New Jersey Company, composed of gentlemen from that state. His petition was for two million acres south of the Flint

1. Thwaites R.G., *Early Western Travels*, III., 186.
 2. *Journals of Congress*, XII., 151.



LAND PURCHASES IN THE NORTHWEST.

Taken from Hinsdale, The Old Northwest.

and Parker tract, extending to the Ohio and including the French villages, Kaskaskia and Cahokia. A contract, ¹ was formed, ² but Morgan for some reason did not accept it.

Congress was also assailed with petitions from the Illinois and Wabash Land Company. Their claim dated back to 1793 when William Murray and others formed a plan to purchase lands from the Illinois Indians, which was consummated the same year by a bargain at Kaskaskia for two tracts between the Mississippi and the Ohio. These purchasers called themselves the Illinois Land Company. In 1775 Louis Viviat, a partner of Murray, made another negotiation with the Piankeshaw Indians for himself and others which resulted in the purchase of lands on the Wabash River at Vincennes, from which the purchasers became known as the Wabash Land Company. The revolution prevented their taking possession of these lands and in 1780 the two companies united into one and laid their rights to the land before congress. Frequent applications were than made for the possession of their territory but in every case the commission appointed to investigate their claims reported infavorably, so the Illinois and Wabash Company came to nothing. ³

A more successful speculation was that of the Connecticut Land Company who were concerned in the sale of the tract known as the Western Reserve, ⁴ just south of Lake Erie. Part of this territory

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1. For his petition see Kaskaskia records in the Illinois Historical Collection, V., edited by Clarence W. Alvord.
 2. Journals of Congress, XIII., 90.
 3. The history of this company and the objections to their claims may be found in the American State Papers, Public Lands, II., 108-109. In 1792 the company even offered to convey all the lands they claimed to the United States, provided one-fourth be returned to them.
 4. Ohio Arch. and Hist. Soc. Pub., II., 475. The Sale of the Western Reserve by B.A.Hinsdale. See also VII., 259 The Western Reserve by F.E.Hutchins.

500,000 acres, was in 1792 assigned to certain inhabitants of the state who had suffered from the revolution, 1,870 in all. These lands, known as the Fire Lands, are comprised chiefly in Huron and Erie Counties of today. There had been no great sale of the rest of the Reserve up to May 1793, when the General Assembly appointed a committee to see to it. They advertised the sale of the lands in the newspapers which at once brought a flock of would-be purchasers to Hartford, most of the bidders representing companies. The Connecticut men, jealous of outsiders, joined together through their agents whose offer of \$1,200,000 payable in five years was finally accepted. This speculation syndicate which proceeded to sell the lands was made up of thirty-six purchasers, though some of these represented more than one individual.

It is not our intention to go into the history of this part of the territory except in its connection with St. Clair. The question early arose as to just how much authority, if any, he had over the Western Reserve. No arrangement had been made for this territory in the Ordinance of 1787 and St. Clair proceeded to act as if his jurisdiction extended over this section as well as over the rest of the Northwest. The eastern part of it was included in Washington County in 1788. Later when Wayne County was established, it included the whole of the Reserve and once more in 1797 the eastern part was included in Jefferson County. As the formation of Jefferson County came just after the arrival of Moses Cleaveland and the first colony in the Western Reserve, it was the signal for a contest to begin.

Hinsdale says, "Connecticut's claim included both the soil and the jurisdiction. If the territory belonged to her at all, it belonged to her in a sense as full and absolute as any town or county

within her present limits." ¹ This seems a fair decision, but the jurisdiction of Connecticut could not be extended over this territory without great inconvenience and the state itself was indiffer-²ent to the controversy, refusing to reply to St.Clair's letters or the importunings of the Land Company.

Both the settlers and the land company hesitated to submit to the authority of the government of the United States, fearing lest it would endanger their titles which were from Connecticut. An effort of the Connecticut Assembly to release the jurisdiction of the Reserve to the United States in 1797 also fell through, owing to the fact that other states had claims to the Western Reserve and did not wish to officially recognize Connecticut's sole right by acceding to this measure. So there were no laws nor government in this section from 1795 till 1800, when after a stormy session a bill passed congress authorizing the president to deliver to the governor of Connecticut letters patent whereby the right and interest of the United States in the territory of the Western Reserve were released, a proviso being that Connecticut should release to the United States ³its jurisdictional claim to the Reserve. In accordance with this St.Clair in 1800 erected the county of Trumbull, constituting the whole Reserve, with county seat at Warren.

The Moravian Indians also came in for a share of St.Clair's protection. By the Ordinance of May 1785, the three towns, Gnadenhütten, Schönbrun and Salem, were appropriated for the remains of the Moravian society. 12,000 acres on the Muskingum had been reserved

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1. Hinsdale B.A., The Old Northwest, p. 358.
 2. Smith W.H., St.Clair Papers, II., 402-403.
 3. House Journal, 5th and 6th congress, p. 636.

for that purpose when the Cutler and Sargent purchase was made. No use was made of them, however, till 1797 when surveyors were sent to prepare them for the missionaries and such of their flock as should return. Many of them had scattered and died, so the society let out part of the land to whites, to raise money for the support of their mission among the Indians. These tenants, Indians, mission and all were recommended to St.Clair's care by the leaders of the society.²

St.Clair's connection with these large land companies in the Northwest lay in the fact that their colonies came under his administration. With the actual sale of lands he had little to do. In the later years of his government when the sale of small tracts had become customary, his presence or that of his secretary was required on such occasions, and it fell to his lot to see that the sales were advertised.

The land cases chiefly demanding his attention were those based on titles prior to the Ordinance of 1787. They were found in the Illinois country where the French had inhabited the villages of Kaskaskia, Cahokia and Prairie du Rocher since the early discovery of the country when their missionaries had come in to convert the tribes, and at Vincennes on the Wabash. These settlements had experienced such a checkered career³ that the land titles and claims had become decidedly confused. Squatters from Kentucky, especially members of Clark's military had taken advantage of this state of

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1. American State Papers, Public Lands, I., 25
 2. Smith W.H., ST.Clair Papers, II., 420
 3. From the king of France they passed by the Treaty of 1763 to the English government. During the early revolution George Rogers Clark conquered and retained them for the state of Virginia against the combined forces of the British and their Indian allies. In March 1784 they once more changed hands, as part of the public domain ceded to the United States by Virginia.

affairs to make "tomahawk rights" in such numbers that along the
 river and some distance inland the country was covered with huts.
 The squatters could be disposed of by making new sales and settle-
 ments but this was impossible until the old titles were adjusted.

Congress realized the necessity of settling these claims and acts were passed June 20th and August 29th 1788, providing that "measures be immediately taken for confirming in their possessions and titles, the French and Canadian inhabitants and othersettlers on ~~those~~ lands, who on or before the year 1783, had professed themselves citizens of the United States and that additional tracts be laid off from which donations of 400 acres each might be distributed by lot to heads of families. The governor was to proceed at once to examine the titles of the settlers and determine what quantity of land should be laid off for them at their own expense.

St.Clair was, however, delayed until 1790 from undertaking this duty by the postponement of the Indian treaty, but the spring of this year found him in the Illinois country ready to examine land titles. Difficulties arose at once and the work of confirming the titles was so slow that it was never entirely completed under St. Clair's administration. The French, though gentle and docile, were ignorant. Many of them could not read the placards for the examination of titles and those that could did not understand at first how they were to be confirmed. Then when their claims were actually turned in, it was asserted that they were difficult to establish as

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1. Smith W.H., ST.Clair Papers, II., 29
 Ibid, II., 402.
 3. An immediate impetus was given this movement by the proposed purchase of Colonel Morgan within which the French settlements lay. It was congress's purpose to ascertain the exact titles of the old settlers and reserve their lands to them.
 4. Journals of Congress, XIII., 32,33, 90.

the original cessions of the French and British commandants had been¹ carelessly kept on loose scraps of paper and often lost. The inhabitants were, moreover, too poor² to pay for having their lands surveyed as ordered by congress. They knew their own land, they never had law suits and if congress wished to know the extent of their possessions, let congress bear the expense; thus they wrote St.Clair through their priest, Pierre Gibault.³ Nor was a surveyor easy to obtain. St.Clair could find but one person in the country "with the least acquaintance with that art" and this one "found himself inadequate to the task, and conscientiously deferred it."⁴

There were also difficulties connected with the validity of the claims themselves. Besides grants from the British and French commandants it was claimed that some were made by Todd,⁵ lieutenant of the county of Illinois from Virginia, who had no authority for this. The civil courts had also made grants, asserting that they were authorized to do so by Todd. This arrangement had suited all parties, for the grantors charged a fee of four dollars a grant and the applicants received land for a small consideration.

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1. This statement was made by Secretary Sargent, see American State Papers, Public Lands, I:, 9, but no claims have been found on scraps of paper.
 2. The reasons alleged for their poverty were numerous; they had been plundered by the Virginia troops, when two emissions of paper money were called in by congress theirs had been collected and no satisfaction given, three successive inundations of the Mississippi had ruined their crops and they had lost their Indian trade at the setting up of the new government.
 3. Father Gibault with Dr.Laffont had secured Vincennes for George Rogers Clark in 1778. He requested St.Clair for a small piece of land which had been in the occupation of the priests at Cahokia for a long time, having been assigned them by the French. This he wished to possess in propriety. St.Clair left the matter to congress for decision.
 4. Smith W.H., St.Clair Papers, II., 399
 5. John Todd only held the position of county lieutenant of Illinois for one year when he was elected to the Virginia legislature. No grants made by him have been found.

Besides the French, a number of American settlers held such grants, claiming they never doubted the authority of the courts, and having moved into the country after 1783, they did not come within the resolution of congress which described those to be confirmed in their possessions.¹ This last question was settled by congress's authorizing the governor to confirm claimants who had actually cultivated their land under a supposed grant of a commandant or court claiming² authority to make such a grant, in lands not exceeding 400 acres.

There were still other additional articles of legislation necessary. The provision made by congress for laying off certain lands to heads of families was not satisfactory, for a great part of the locations ordered were in lands covered by titles from^{the} ancient government of the country, and part were in rocky and poor land. The people entitled to these donations therefore petitioned congress which led to their directing St.Clair to lay out other lands of equal³ value in United States property. There was also a petition from 131 Canadians, French and American inhabitants, stating that many of them were heads of families shortly after 1783, that they were liable and willing to perform military service and would like donations. Congress decided that the government should grant not exceeding 100 acres to each person who had not obtained a donation from the United States and who on August 1, 1790 was enrolled in the⁴ militia or had done military duty.

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1. Smith W.H., St.Clair Papers, II., 169.
American State Papers, Public Lands, I., 10
 2. American State Papers, Public Lands, I., 17
 3. Ibid, I., 68
 4. Senate documents, 1st and 2nd congresses, p. 230.

These delays and other complications arising from the land's changing ownership explain why little was accomplished in the confirmation of titles in 1790. This gave chance for land speculation, for many of the inhabitants were too poor to wait for the government to adjust their claims and uninformed as to the manner of obtaining their rights so it was easy for the more shrewd ones to purchase advantageously from them.² It is said that in Kaskaskia and Vincennes many sold their donations for thirty cents an acre and in some cases received payment in different kinds of unprofitable merchandise.³

At various times St.Clair returned to the Illinois country and continued the work of confirming and surveying claims. Yet so many were still unadjusted that congress in 1804 established land offices at Kaskaskia, Vincennes and Detroit to settle old claims and hasten the sale of public lands, as the settlement of the country was still delayed. Eight years later an act was passed authorizing the land commissioners, Jones and Backus, to revise former confirmations.⁴

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Their examination of the claims showed that St.Clair had either been very incapable or that he had that "taste and genius for speculation in land" which he denied in later years. There was abundant evidence that fraud, forgery and perjury had been practiced upon him.⁶

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1. Instances may be found Smith W.H., St.Clair Papers, II., 173
 2. Reynolds John, The Pioneer History of Illinois, p. 177.
 3. Dillon John, History of Indiana, p. 433
 4. Journals of Congress, 1st. session, 12th. congress, House, p. 394
 5. According to Reynolds, Jones used his authority not only to report against claims but to brand the parties with perjury and forgery to an alarming extent because of his political feelings.
 6. American State Papers, Public Lands, II., 257-258.

Of about 890 worthless claims reported in the Kaskaskia district, 370 were supported by the perjury of persons of bad repute. The committee excused St.Clair in part because his multifarious duties as governor and Indian agent did not give the time necessary for a full investigation of the claims presented but in one report they suggested that there was something "rotten in Denmark". The very fact that many of the confirmations were withheld by the claimants looked suspicious.

John Edgar, one of those who had acquired considerable land, was more willing to present his confirmed claims. These do not place St.Clair in a favorable light. In at least three of them before they were confirmed, Edgar had conveyed a part to St.Clair's son or nephew. Another claim was confirmed to John Edgar in right of William Tait as head of a family in 1783. In regard to this the committee says, "Now did the governor, who in the year 1790, lodged with Edgar, know that this young man, who was clerk to Edgar had no family? And that he lived in Edgar's house? And at this date, the confirmation seems to have been made."¹ In another case where the patent called for 13,986 acres, it covered, the land being described by certain natural boundaries, nearly 30,000 acres.

By the various acts of congress St.Clair could issue confirmations to the following different classes; those who had held under ancient grants, those who were heads of families on or before 1783, those who in August 1, 1790 were enrolled in the militia and had done militia duty and those who had made actual improvements on their land. Under the first head we find that St.Clair confirmed a

1. American State Papers, Public Lands, II., 204.

grant claimed on a patent originating from John Wilkins, Lieutenant Colonel in the Illinois country. The latter, according to the proclamation of the king October 7, 1763, had no right to make such a concession, so the basis of this claim was illegal.¹ Several of the claims founded on French grants confirmed by St. Clair were found upon inquiry not to be derived whence they were claimed, the names having been forged.²

On claims under the second head, St. Clair was similarly deceived. Often the man who had claimed to be the head of a family was proved to have been single when he got the donation, some married later and some never. In some cases they had left the Illinois country before the law was passed and never returned to reside there,³ yet the assignee of the widow had the claim confirmed by St. Clair.

The claims of the militia in some cases were proved to have been fraudulently obtained from the governor, the names not always being found in the militia list, and sometimes⁴ being found in both militia and heads of families donation lists.

As to the claims confirmed in virtue of improvements made, no improvement was heard of in some instances, and in others it consisted entirely of a shed for a sugar camp, or even the making of rails on the land. St. Clair himself confessed it was difficult to decide which improvements should be confirmed. His idea was that not the quantity of the land^{so much}⁵ as the intention of the party in making it was to be considered, i.e., if a man had planned to make a bona fide settlement, he should be allowed land. Still he seems to

1. American State Papers, Public Lands, II., 207.

2. Ibid, II., 211

3. Ibid, II., 230

4. Ibid, II., 238

5. Ibid, I., 9.

have intended that in every case there should be real improvement. In a letter to Robert Buntin, September 19, 1796 asking him to lay off and allot some lands he says that these "must be actual improvements, not the marking or deadening a few trees, or throwing a few logs together in form of a cabin.¹

Though the list of fraudulent claims is thus a long one, the number of fraudulent claimants is not so great, as in many cases a single individual claimed several tracts, which points to speculation. Whether St.Clair² had a hand in this cannot be fully determined from the information we have at present, but the evidence is strong in that direction.

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1. Smith W.H., St.Clair Papers, II., 411.
 2. Similar cases can be found in the land claims confirmed by William Henry Harrison, governor of the Indians territory.

C H A P T E R V .

LEGISLATION IN THE NORTHWEST.¹

1787 - 1802

In the year 1802 Michaux who was travelling in the employ of the French government in the west happened to run across St.Clair at an inn in Marietta. In commenting on the Governor he wrote "With respect to talents, he has the reputation of being a better lawyer² than soldier." As soldier we have seen that St.Clair failed significantly in the Northwest, as a lawyer his course did not run smooth, for he was constantly engaged in disputes with the judges and officials under him, disputes which were used against him when his opponents wished to get him out of office.

Even before St.Clair had set the wheels of civil government running in the Northwest, the settlers at Marietta, realizing the need of law and order, had adopted a government for themselves, nailing their code of laws to a tree. These served them satisfactorily until St.Clair, a week after his arrival, put the Ordinance of 1787 in action, publishing the first law for the Territory, a militia law, on July 25th, 1788, and creating Washington County the next day.

According to the Ordinance for the government of the Territory, the general court consisted of three judges, Parsons, Symmes and Varnum, each of whom received a salary of \$800 from the United

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1. On this subject see Ohio State Arch. and Hist. Soc., I., 303. A.A.Graham, Legislation in the Northwest Territory.
 2. Thwaites Reuben C., Early Western Travels, III., 179.



States treasury. This was the highest judicial tribunal in the Territory and could reverse the decisions of other courts. It was held at Cincinnati in March, at Marietta in October, at Detroit and in the western countries when the judges should decide. With the governor, or, in his absence, with the secretary of the Territory they constituted the legislative body, who according to the Ordinance were to adopt laws of the original states, which upon the approval of congress became the laws of the Territory. The first meeting of the judges for this purpose was held at Marietta in the summer of 1788. During this session, which continued till December, they passed a number of laws, relating chiefly to the courts, militia and marriages.

As the population increased and new counties were laid out, the governor established courts of common pleas and general quarter sessions of the peace in the different districts, at which (though these courts were separated by a wilderness) the Governor and judges rarely missed a term. Burnet gives us accounts of some of their trips, even after the Territory was well under way, which show the difficulties encountered on these long horse back rides from county seat to county seat through a wild country without roads and bridges¹

The Illinois county division was so large that St. Clair divided it by proclamation into three judicial districts, Cahokia, Prairie du Rocher and Kaskaskia, in which terms of court were to be held as if they were separate counties. The judges, sheriff and clerk had jurisdiction throughout the county but the people could

1. Burnet Jacob, Notes on the Early Settlement of the Northwestern Territory.

not be sued out of their districts. This called forth a warning from President Washington that St.Clair guard against making regulations which could only properly be made by law, lest he incur criticism at the hands of the public who did not understand the imperfect state of the legislation in the Northwest Territory.¹

Many of the original counties were too large to be handled conveniently and were subsequently subdivided. The first one laid out in the Northwest, Washington County, covered the Ohio and Scioto purchases, as well as a large section running north from the former to Lake Erie. The second covered the Symmes purchase between the two Miami Rivers, and was called Hamilton County with the county seat at Cincinnati. This was later made to include the country north to Lake Huron. St.Clair County originally covered the present state of Illinois, and Knox County most of what is now Indiana, while Wayne County, which was set up after the treaty of Greenville, extended from the Cuyahoga River to Lake Michigan and north to the confluence of Lakes Michigan and Huron. By 1799 nine counties had been created in the Northwest.²

Besides the difficulties of administration due to the extent of the territory, others arose because of the general wording of the Ordinance which gave chance for difference of opinion on specific points of legislation. The first to come up was the question of slavery. By the sixth article of compact there was to be no slavery in the territory. With this as an argument, Morgan, an agent of the Spanish government, had succeeded in drawing many of the ancient settlers who had feared to lose their slaves across the Mississippi. St.Clair at once took his stand that the clause was not retroactive,

1. Smith W.H., St.Clair Papers, II., 198

2. For a clear account of the evolution of the Ohio counties see Ohio Arch. and Hist. Soc. Pub., V., 326-350.

that Congress¹ could not divest any person of property acquired under ancient laws without compensation, but could prevent the introduction of slaves; which was undoubtedly the intention of the resolution.² Even this was not entirely satisfactory to the ancient inhabitants who claimed the clause was contrary to the assurances made them by Clark in behalf of Virginia. They therefore petitioned congress that the article be repealed or so altered that they might introduce slaves from the original states but congress remained firm on this point.³ The question came up again under the first legislature of the territory when the Virginia officers wished to remove with their slaves on to the Military Bounty. Though the assembly had nothing to say about the matter as it was prohibited by the Ordinance, yet it was evident that public opinion was decidedly opposed to it.⁴

Another clause which led to difficulty between St.Clair and each set of judges who worked with him was that "the governor and judges, or a majority of them, shall adopt and publish in the district such laws of the original states, criminal and civil, as may be necessary and best suited to the circumstances of the district etc." By "governor and judges, or a majority of them" St. Clair understood that the assent of the governor was necessary to all the laws adopted, whereas the judges took it to mean that the governor and two judges, or all the judges must agree. St.Clair argued

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1. Harrison, when he became governor of the Indiana Territory in 1802, issued a proclamation, for a convention of the people to decide on the interpretation of this article. The delegates declared their consent to its suspension, which with a petition was sent to congress but rejected.
 2. Smith W.H., St.Clair Papers, II., 117, 318, 331.
 3. American State Papers, Public Lands, I., 69
 4. Burnet Jacob, Notes on the Early Settlement of the Northwestern Territory, p. 306.

that congress thought it improper to leave the adoption of the laws to the persons who were to expound them, so gave the governor a negative.¹ The second set of judges agreed with the first. If it was improper to leave the adoption of the laws solely to the persons who were to expound them, could this impropriety be removed by giving the governor a negative on laws, on which he as one of the legislative body of three or four had a right to vote.² St.Clair, however, had his way in this issue.

Moreover, the judges overlooked the restriction that the laws were to be adopted from those of the older states and proceeded to enact new laws of their own. St.Clair protested that congress would not approve such procedure and that the laws would not be valid.³ The judges, on the other hand, replied that if a literal construction were given to that clause, the purposes of the Ordinance in general would be defeated, for the laws of the old states did not conform to the necessities of a new state in a new country. "If the clause admits of different constructions, we ought to adopt that which will best promote the purposes of settlement", they said.⁴ As laws were necessary, St.Clair gave way to the judges, though he did so under protest. In writing Joshua Coit in December 1794 he said that neither of the judges had the codes of the states, though three months' salary had been paid them before they entered office as a compensation for their time and pains of collecting them. He himself had that of Pennsylvania to which they were averse, so when two sets of judges concurred against him, he gave in.⁵

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1. Smith W.H., St.Clair Papers, II., 72
 2. Ibid, II., 368
 3. Ibid, II., 68
 4. Ibid, II., 69
 5. Ibid, II., 334.

During 1790 and 1791 little was done for the civil government of the territory, as every one was occupied with the Indian difficulties. The next year a number of measures, not especially important, were enacted by Judges Symmes, Turner and Secretary Sargent in the governor's absence. Then no more laws were passed until 1795 when the governor and judges met and formally organized as a legislative body. At that time, finding that congress had not sanctioned their earlier laws, they undertook to adopt in conformity with the Ordinance a complete system of law. By adopting an old Virginia statute "the common law of England, and all general statutes in aid of the common law prior to the fourth year of James I were put in force in the territory. The other laws were taken principally from the Pennsylvania statute book. These were known as the Maxwell Code because they were printed by William Maxwell of Cincinnati, the first printer in the territory. They were so complete that only one other short legislative session was held by this body¹ when in 1798 a few more laws were adopted.

St. Clair also had a controversy to settle with the judges of the court of common pleas in Hamilton County. During his absence, Secretary Sargent made out their new commissions which read "during the pleasure of the governor" instead of "during good behavior" as originally. The judges refused "to stoop", as they said, to the indignity of holding their offices thus, though Sargent and St. Clair both held from the president by the same tenure. So they continued doing business under their old commissions,² until St. Clair hastened back and finally succeeded^{ea} in convincing them and then

1. In the Indiana Territory laws were "adopted" without any question
 2. Smith W.H., St. Clair Papers, II., 322.

re-commissioned them.

It happened that the early judges were much interested in the land question. Judge Symmes, as we have seen, was the owner of a large purchase, and Judge Parsons and Judge Varnum were directors ^{of the} Ohio Company. St.Clair did not think it right that the whole property of the country which might be subject to law should be governed by the determination of a single judge, without any chance of revision. If they were not directly interested in the case, he feared the judges would unconsciously be indirectly so from having similar interests. So it was St.Clair's wish to have these cases brought ¹ before the federal court.

Many other matters contributed to the difficulty of administration in the territory. Some of the judges, especially Judge Turner, took upon themselves the executive functions of the governor. The justices in Adams County insisted in moving the county seat, a power which St.Clair claimed belonged to the governor alone. ² Moreover, it was hard to find persons in the country capable of performing the duties of judges in a strictly legal way. When they were finally found and courts established, it was still well nigh impossible to get a sentence against the murderers of Indians. Communication was difficult; letters were often delayed and lost in the territory and the rate of postage was excessive. St.Clair paid 100 cents on a letter from Judge Turner. ³ This came out of his own pocket, for no allowance was made for the expenses of the governor and judges.

Another question which arose because of the loose wording of the Ordinance was whether the laws of the United States had course in the Territory, unless it was especially specified in them.

1. Smith W.H., St.Clair Papers, II., 333

2. Ibid, II., 425, 429.

St.Clair thought they did not, but was willing to aid the federal government as far as he could. In 1793 when the Excise Laws were passed, heartily approving them, he tried to get a law through the territorial legislature forbidding the importation of all "ardent spirits". If this were unsuccessful, he thought that congress would probably pass the measure and remarked that it was time that part of the country was reminded they were not part of the Union but dependent on it.¹ Nor were the inhabitants of the territory allowed to aid the insurgents in western Pennsylvania contrary to the president's² proclamation.

In 1795, however, when a United States act was passed laying duties on licenses for selling wines and liquors, St.Clair questioned whether this could operate in the Territory, without its being thus designated. He claimed that the Territory was not part of the United States because it had a distinct government of its own, it was not included in the supreme judiciary, and had no voice in the choice of United States representatives, whose consent was essential to make the laws binding.³ The attorney general and the secretary of the treasury were not convinced in the least by this argument and the revenue was ordered to be collected as in the states.

It was in this same year that St.Clair wrote to President Washington, complaining of his treatment by some of the departments. The war department, though he was still superintendent of Indian affairs, had ceased to communicate with him concerning their measures in the Northwest; he did not even know the name and residence of his deputy. Advancements which he had made in the negotiations

1. Smith W.H., St.Clair Papers, II., 317

2. Ibid, II., 329

3. Ibid, II., 378-383.

with the Indians had never been refunded to him, so he had been obliged to sacrifice for a \$6,000 debt an estate for which the day before he would not have taken \$24,000, while charges of the same nature were paid to others. "Misfortunes," he writes Washington, "I can bear with firmness, but the insolence of office throws me off my center."¹

The governor was at variance not only with the general government officials but with Secretary Sargent of the territory as well, who, without cause so St.Clair thought, had taken offense at his treatment of him.

In 1798 it was ascertained that the number of white male inhabitants of 5,000, which was required by the Ordinance for establishing the second grade of government, had been reached. St.Clair issued a proclamation to the people to elect their representatives to a general assembly in Cincinnati,² which was to nominate the persons, five of whom the president might select as a legislative council. The assembly which met February 4th proved to be composed of strong minded and able men. "Several of the members of that assembly were men of the first order of talents; and with scarcely an exception, they would all be now estimated as well qualified for state legislators."³ It is interesting to note that one of the ten names was that of Arthur St.Clair, Jr., Governor St.Clair's son, and another that of William St.Clair, the governor's nephew, neither of whom was among the five selected.

After its nomination the legislature adjourned till

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1. Smith W.H., St.Clair Papers, II., 390-393.
 2. On this step as well as on the slavery measure Governor Harrison of the Indiana Territory allowed the people more choice than St.Clair. Instead of ordering the general assembly to meet, he took a vote of the free holders to see if a majority were in favor of organizing such a body.
 3. Burnet Jacob, Notes of the Early Settlement of the Northwestern Territory, p. 288.

September, when it met again, and after a congratulatory speech from the governor, who recommended certain measures,¹ commenced a laborious session. The change in government called for a general revision of statute law, the creation of new offices and the election of a delegate to congress. William Henry Harrison, and Arthur St.Clair Jr. were rivals for this last position, Harrison being elected by a vote of twelve to ten.

Though Harrison was in congress but one session, he put through some important measures, as a resolution to have the public lands offered for sale in "small" tracts, which was a very beneficial measure for the west. He also obtained an extension of the time of payment for persons who had secured the pre-emption right from Symmes for lands beyond his patent. At the same time congress divided the territory and set off that of Indiana, of which Harrison was appointed governor. St.Clair would have preferred a division into three territories, with Marietta, Cincinnati and St.Vincennes, as the seats of government.² This would have postponed the formation of the state and thus continued St.Clair's governorship longer. The scheme was not, however, supported by Harrison who was a state man and it only added to St.Clair's unpopularity.

To return to the first meeting of the assembly,- a difference of opinion arose between the governor and the Houses which led the latter's remonstrating to congress against the unqualified veto given to the governor over acts of legislation and against the exclusive right he claimed of dividing and subdividing the counties, after they had been organized by himself, without their concurrence.³

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1. For the governor's speech see St.Clair Papers, II., 446-457
 2. Smith W.H., St.Clair Papers, II., 481,490.
 3. Burnet Jacob, Notes on the Early Settlement of the Northwestern Territory, p. 306.

The first remonstrance was occasioned by St.Clair's tenaciously holding to his opinion regarding his own powers, for he vetoed eleven of the thirty laws passed by the assembly, most of them relating to the creation of new counties. This question caused a breach between the governor and the assembly, and arose at each session until the former was finally defeated. As to the laying out of counties, the assembly thought the Ordinance gave this power to the governor only until the general Assembly should be organized when it would fall to them as a general legislative power.¹ St.Clair, on the other hand, insisted on interpreting the Ordinance to suit his ends, and so the controversy was continued till settled by congress in favor of the assembly. His refusal to sign the bills creating new counties interfered considerably with the advancement of these districts.

At the close of the first session of the territorial legislature, congress passed a law removing the seat of government from Cincinnati to Chillicothe. Though this seemed a usurpation of their rights, the legislature met there as directed in 1800. The governor, having stated the measures he thought necessary for their consideration at this time, closed his opening address with these words: "It is, indeed, very uncertain whether I shall ever meet another assembly in the character I now hold, for I well know that the vilest calumnies and the grossest falsehoods are assiduously circulated among the people, with a view to prevent it etc".² Both Houses in their replies to the governor's speech assured their concern at these attempts to asperse his character, the council expressing their confidence in his administration.³

1. Smith W.H., St.Clair Papers, II., 515

2. Ibid, II., 515

3. Ibid, II., 511-513.

Even before this time St. Clair had come to be severely criticised. The centralization of the government provided by the Ordinance was bitterly complained of and he himself seemed determined always to take the unpopular side of questions and to create personal enemies. Up to 1799 St. Clair was, on the whole, a very unpopular man in the territory but then the new political parties which were dividing the whole country began to be felt in the west. This region in general seemed inclined to follow the southern attitude of democracy, while St. Clair stood forth a staunch federalist of the old school. He vigorously upheld the Adams administration, writing a pamphlet on its support and newspaper articles in defense¹ of the "Alien and Sedition Laws". His friends in the east were also drifting away from him, Washington, one of his best, having died in September 1799. In March 1800 he writes M. de Luziere "Distant, ignored, forgotten except by one or two gentlemen with whom I am united by the firmest friendships, I know not a single member of congress, and I am suffering a kind of relegation, after the sacrifice of my best days and the dissipation of my fortune in the public² service.

On December 2nd the governor informed the assembly that their session must end on December 9th, as on that day his term would expire. At once opposition arose because such short notice was given and because there were still important measures for legislation. It was the opinion of the members that the secretary could fill the governor's place after his retirement. St. Clair maintained that this was not a case provided for in the law in which the place

1. Smith W.H., St. Clair Papers, II., 442

2. Ibid, II., 494

of the governor could be supplied by the secretary, for here he was not absent but the place vacant. As St.Clair had power to prorogue the legislature at his pleasure, they knew it was useless to resist. St.Clair, moreover, had not made his decision public until it was too late to confer with the secretary who was absent from the territory. This was a clever move on his part, for the secretary whose opinion coincided with that of the assembly might have called the legislature¹ again the day after St.Clair's term expired.

Efforts were then made to prevent St.Clair's reappointment, but though there was some opposition, the charges were not well enough sustained to be successful, and the new commission was sent him February 10, 1801. Stevens Mason in describing the discussion on the subject in congress wrote Thomas Worthington that he himself thought that there was enough to show that St.Clair was obnoxious to a great part of the people and ought not to be reappointed. "Some members who did not approve of the appointment were induced to vote for it from an apprehension that, should he be rejected, some person more obnoxious might be appointed, such as Tracy, and that it would only be exchanging an old and feeble tyrant for one more active and wicked."²

So it was that St.Clair again in November 1801 met the General Assembly at Chillicothe. Among the measures of this session was one allowing Quakers to pay \$1.25 a year instead of performing militia duty, a bill for the inspection of exports, a law to enforce the conditions of mortgages and an act for the distribution of insolvent estates. An act was also passed declaring the assent of the territory to an alteration in the Ordinance to effect a change

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1. Burnet Jacob, Notes on the Early Settlement of the Northwestern Territory, p. 327.
 2. Smith W.H., St.Clair Papers, II., 531.

in the boundaries of the three states first to be formed therein. This caused considerable agitation. The change of boundaries would retard the establishment of a state government in the eastern division, which was the object of the promoters of the measure, among them St.Clair. Jefferson, whose administration was just beginning, wished to strengthen his party by the admission of the new state, so the measure was lost before congress.

It cost St.Clair, however, what little was left of his waning popularity. It was represented "as a scheme of the governor to retard the entering into a state government." "Though I never saw the bill till it came to me from the legislature," St.Clair wrote to Fearing, "I had heard of it and heartily approved it". He claimed the country was too large and the people too poor and busy to support a state government.¹

The bill caused much agitation among the citizens of Chillicothe. On Christmas Eve a mob came together to insult certain members of the legislature and burn the governor in effigy. The affair did not end there, for the sheriff refused to find the perpetrators guilty, which led to his losing his place. St.Clair who was afraid the matter would be misrepresented wanted it conveyed to the president that he had only "five enemies in the territory, except some they have misled and who probably never saw me. These are Worthington, Tiffin, Massie, Darlington and Baldwin, and the last never was five minutes in my company in his life. All the others have been obliged to me, and one of them holds the best office in the Territory".²

1. Smith W.H., St.Clair Papers, II., 550

2. Ibid, II., 556.

Smith, St.Clair's biographer, shows that several of these enemies had been offended by St.Clair in minor matters at different times,¹ but the underlying motive was undoubtedly party feeling.

The governor was a Scotchman who naturally grew more obstinate as he grew older, and had, it is true, offended many prominent men in the territory, yet the main cause of his unpopularity was that the government established by the Ordinance placed him in a position of great authority, too great for the rising democracy, especially as he was a federalist. Judge Symmes expressed the sentiment of the opposing party, when he said, "We shall never have fair play while Arthur and his Knights of the Round Table sit at the head".²

Under President Jefferson more determined efforts were made to have St.Clair removed. Some of his enemies even went so far as to try to overhear from an adjoining room the governor's remarks on the President's message. They claimed that he said the government would become a monarchy, made sarcastic observations on the militia and the President's communication to the House, stated the "militia was all damned nonsense" etc. Numerous charges were drawn up by Worthington and Massie and sent to President Jefferson and Secretary Madison. The principal ones were that he had usurped legislative powers by the erection of counties; that he had negatived laws useful to the territory; that he had refused to perform his duties without payment of unlawful fees; that he had negatived the act of the legislature abolishing those fees but had passed their act giving him \$500 as compensation; that he had attempted to prevent the advancement of the territory to rights of self-government; that he had

1. Smith W.H., St.Clair Papers, II., 553-554 footnotes

2. Ibid, I., 242.

granted commissions generally during pleasure but to his son during good behavior; that he had endeavored to control the judiciary; that he had neglected the militia and that he had avowed his hostility to republican government.¹ The extensive powers given the governor by the Ordinance shielded him of course to a great extent, and St.Clair himself went on to Washington to refute these charges. So, although his enemies had already begun to discuss his successor, Jefferson refused to act until St.Clair had shown actual enmity for the administration. An opportunity was not far distant.

During the spring and summer of 1802, the promoters of the state government were able to carry their plans through congress. In February 1802 a petition was presented, asking for the admission of the state, though the census showed only 45,365 of the required 60,000 inhabitants. Accordingly an act was passed in April, directing a convention to meet the following November to form a state constitution, thus preventing the state legislature from having a hand in the business. The measure did not pass, however, without opposition, both Fearing, the delegate from the territory and Griswold of Connecticut opposing it on constitutional grounds, claiming that it violated the compact and that congress had no more right to interfere in internal territorial concerns² than in state concerns.

The constitutional convention met at Chillicothe, November 1, 1802, to form the third stage of government in the North-west. Edward Tiffin was elected president and most of the members belonged to the state party; only Washington County seemed left to support St.Clair. During the previous summer he had made an effort to combine his partisans in Washington, Hamilton and Jefferson Counties.³

1. Smith W.H., St.Clair Papers, II., 556-557.

2. Ibid, II., 576, 577.

3. Ibid, II., 587.

He had also spoken at Cincinnati against the secret societies which were forming in connection with the convention. "They tell you," he said, "that their design is to keep people that are not Republicans out of the convention; but it looks more like a formal design to get themselves in whether they be capable or not."¹

So it was a rather reluctant consent which was granted the governor's request to address the assembly. The motion which was finally passed by a majority of five was worded: "That Arthur St. Clair, Senior, Esquire, be permitted to address the convention on those points which he deems of importance". This phraseology was perhaps intended as an insult to the governor.² The substance of his remarks at that time was that congress had no right to direct the people of the territory to form a constitution, so they need not consider the act binding unless they desired. He also demanded why congress should couple their admission as a state with conditions, which Burnet describes as "as degrading to the character as they were injurious to the future prosperity of the inhabitants", while other states had been admitted without. Certain advantages were also offered the new state by congress, as a section in every township for schools, the salt springs near ^{the} Scioto and Muskingum for the use of the state and a twentieth part of the net proceeds of the lands sold within the state for the laying out of roads, which St. Clair completely disposed of by showing they were empty,³ as they have since proved to be on the whole. This "Sensible and conciliatory" address, as Burnet describes it, was destined to be St. Clair's Waterloo.

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1. Smith W.H., St. Clair Papers, II., 588
 2. Burnet Jacob, Notes on the Early Settlement of the Northwestern Territory, p. 352
 3. Smith W.H., St. Clair Papers, II., 595-596.

It called forth the following letter from Secretary Madison.

"The President, observing in an address lately delivered by you to the convention held at Chillicothe, an intemperance and indecorum of language toward the Legislature of the United States, and a disorganizing spirit and tendency of very evil example, and grossly violating the rules of conduct enjoined by your public station, determines that your commission of governor of the Northwestern Territory shall cease on the receipt of this notification." This letter was enclosed in one to Secretary Byrd, one of St. Clair's strongest enemies, directing him to assume the governor's duties.

St. Clair's commission had only six more weeks to run and he had already publicly announced he was not to be a candidate for the governorship of the new state, so the loss of office was not important. The wording of his dismissal and the manner of its delivery¹ did, however, call forth a bitter reply from him, and thus ended his connection with the North-west and his career as a public man.

1. Smith W.H., St. Clair Papers, II., 599.

C H A P T E R VI.

ST. CLAIR'S LATTER YEARS.

After St.Clair's removal from office he returned to Ligonier where he passed the remaining years of his life. He was now an old man, unfit for business and yet destitute. The heavy expenses which he had incurred in the Northwest ~~which~~ were not repaid because they had not been previously authorized by law. He writes in his latter years "To the establishment of that country which was by me led up from 30 men to upwards of 60,000 in about fourteen years, the general government never contributed one cent, except the salary, which was not equal to my travelling expenses for a good many years. His salary as governor and superintendent of Indian affairs was \$2,000 a year.

St.Clair had still other claims against the government. He had, during the revolution, when it seemed as if Washington's army was about to melt away, advanced funds in 1776 to Major William Butler to begin the recruiting. After the close of the war he tried to get this refunded but because of the non-adjustment of other accounts the Paymaster General did not allow it, though conceding the regularity of the claim. Later a committee on claims in congress reported that the United States had received the benefit of the sum advanced and that neither the United States nor Major Butler had repaid any part of it to St.Clair, but that it was barred by the Statute.

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1. Aitken J., St.Clair's Indian Campaign, p. 250
 2. American State Papers, Miscellaneous, I., 59
 3. American State Papers, Claims, I., 375-376.

This was not St.Clair's only claim on the government. As superintendent of Indian affairs in the territory it had been necessary for him in order to carry out the instructions of the secretary of war to forward a considerable amount of money. His account to the treasury department was disallowed because his vouchers were not receipted. When this omission was supplied, the contractor required St.Clair to give his personal bond for the payment of the vouchers. They were again presented to the treasury department for payment, but this time the vouchers could not be paid because there was no appropriation for the payment of debts contracted under the confederation. St.Clair was not, however, uneasy about it as Hamilton promised to see to the matter, but the latter went out of office before that was done. His successor refused to have anything to do with it and so St.Clair applied to congress where payment was refused because it was not previously authorized by law. His creditors got a judgment in 1810 and St.Clair's property, land, dwelling, mill, smelting furnace and all, were sold at a great loss, while the money¹ owed him by the public would have enabled him to save it.

After the loss of this property St.Clair was obliged to move to Chestnut Ridge where he lived in a log house. An exaggerated account describes his life here as one spent "in the most abject poverty, in a miserable cabin, upon a sterile and dreary waste, among² rocks and precipices (fit emblems of his career!)" His condition³ excited considerable pity and numerous efforts were made for his relief. Finally in 1818 a bill was passed the House granting him a

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1. Aitken J., St.Clair's Indian Campaign, pp. 254-55 footnotes.
 2. Judge Hall, Letters from the West, p. 160
 3. Party feeling may have had something to do with the opposition in congress to giving him government aid. See Annals of Congress 15th congr. 1st. session, I., 852. A glowing speech for St.Clair may be found in Thomas H.Benton's Abridgment of the Debates of Congress, VI., 112.

pension of sixty dollars a month, at a vote of 122 to 90. Pennsylvania did her part by settling on St.Clair an annuity of \$300 which was increased in 1817 to \$600. And in 1857, thirty nine years after St.Clair's death, congress appropriated a considerable sum for the relief of his heirs.¹

St.Clair lived to enjoy little of this relief, for he died late in August 1818, as the result of a fall from his wagon when on a trip to Youngstown to buy flour. Thus ended the career of a man who seemed destined to misfortune. For forty-two years he had taken a prominent part in the events of the time, and in almost every instance had failed, owing in some cases to adverse circumstances, but in others to mere incapacity for the task undertaken.

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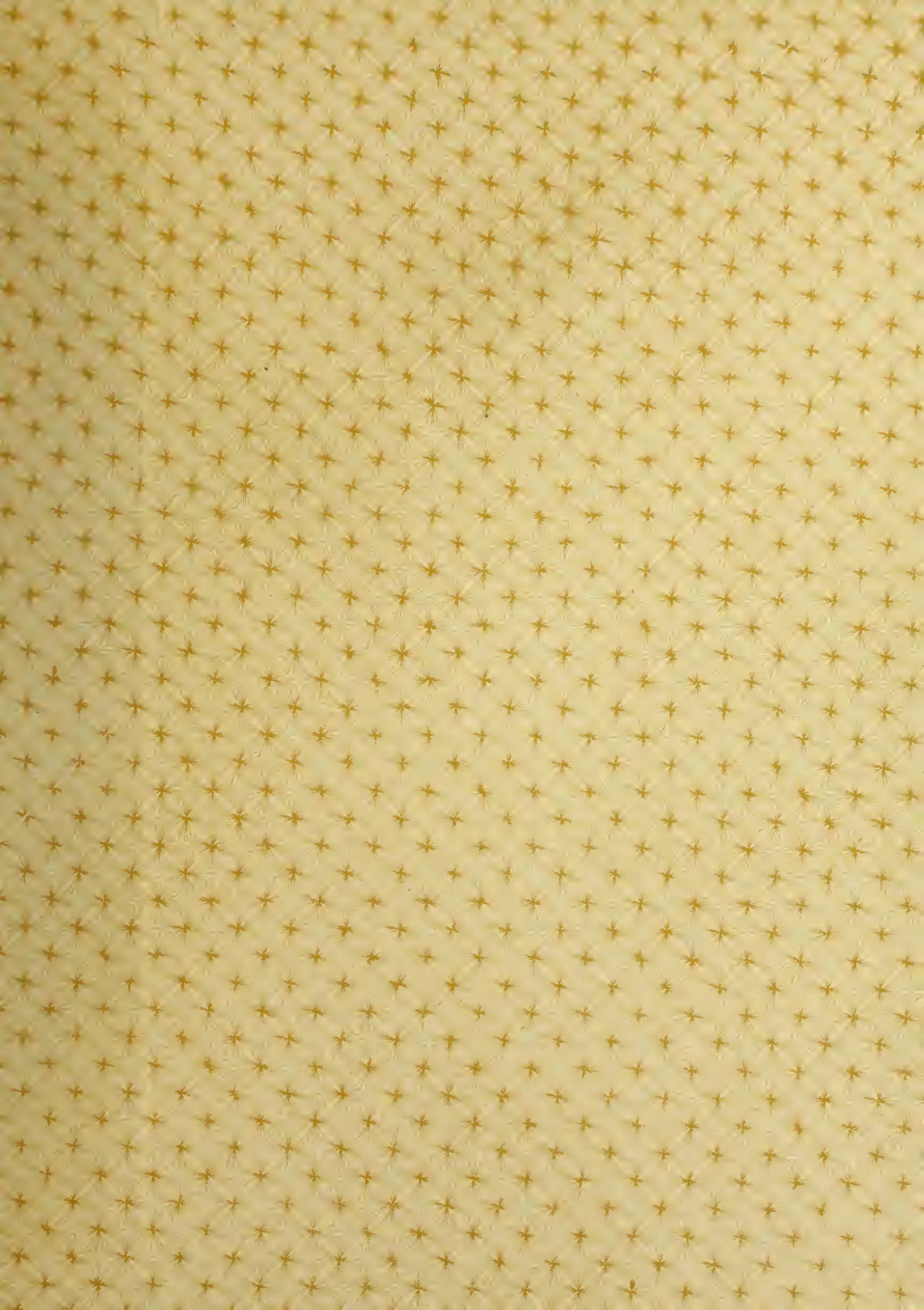
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